

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR.JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(Crl.).No.488 of 2014 (S)

PETITIONER:

CHANDRAKUMAR.C,AGED 41 YEARS,
S/O.BALA SUBRAMANIAN,SREE VALSAM,
MANA LINE,CHEMBOOKAVU,THRISSUR.

BY ADV.SRI.C.A.ANOOP

RESPONDENT'S:

1. PRIYA,AGED 32 YEARS,D/O.BALASUBRAMANIAN,
ISKON GARDENS,MIST,FLAT NO.2F,P.O.CHEOOR,
THRISSUR DISTRICT-680001.
2. STATION HOUSE OFFICER/SUB INSPECTOR OF POLICE,
VIYYOOR POLICE STATION,THRISSUR-680010.

*ADDITIONAL R3 TO R5 IMPEADED

ADDL.R3:CIRCLE INSPECTOR OF POLICE,
PERAMANGALAM POLICE STATION,680545.

ADDL.R4:DEPUTY SUPERINTENDENT OF POLICE,
KUNNAMKULAM POLICE STATION-680503.

ADDL.R5:COMMISSIONER OF POLICE,THRISSUR DISTRICT-680001.

*ADDITIONAL R3 TO R5 IMPEADED AS PER ORDER DATED 23.1.2015 IN
IA NO.589/2015 IN W.P(Crl).488/2014.

R1 BY ADV.SRI.C.D.DILEEP
R2 BY GOVT. PLEADER SRI.JOBY JOSEPH.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

pk

C.K.ABDUL REHIM & K.RAMAKRISHNAN, JJ.

WP(Crl.) .No. 488 of 2014

Dated this the 4th day of June, 2015

JUDGMENT

Abdul Rehim,J.

The above case is filed seeking a writ of habeas corpus directing production of the corpus of Smt. Alli Devi, aged 62 years, who is the mother of the petitioner. Allegation is to the effect that Smt. Alli Devi is under illegal custody of the 1st respondent, who is the sister of the petitioner and daughter of the alleged detenu. Averments are to the effect that the alleged detenu was staying along with the 1st respondent in her house with 2 children of the 1st respondent. The 1st respondent is living separated from her husband. On 13.11.2014 when the petitioner visited the house of the 1st respondent the alleged detenu was not available there. The 1st respondent told that she had gone to a temple. But despite the petitioner waiting there for more than 1 ½ hours the alleged detenu has not come back. On that day at about 4.45 p.m. the 1st respondent informed a cousin brother of the petitioner that the mother is missing. The

petitioner came to know that there was a scuffle between the 1st respondent and the alleged detenu on the previous night. It is alleged that even after the missing of the alleged detenu the 1st respondent had not made any attempt to enquire about her. Therefore missing of the mother is under a suspicious circumstance. It is stated that on the basis of a complaint submitted by the petitioner the 2nd respondent had already registered Crime No.1544/2014 of Viyoor Police Station, under section 57 of the Kerala Police Act.

2. Prima facie this court is of the pinion that this is not a fit case to invoke jurisdiction of this court for issuing a writ of habeas corpus. Even according to the petitioner the mother was missing from 13.11.2014 onwards and she is not available anywhere in the house of the 1st respondent. Hence the allegation that the missing mother is illegally detained by the 1st respondent cannot be accepted. However, based on various orders issued by this court directing to intensify the investigation, police authorities have filed different statements before this court on various dates. On a perusal of those statements dated, 2.2.2015, 24.4.2015 and 20.5.2015 we are convinced that the 2nd respondent as well as the higher police officials concerned are

in seizin of the matter and vigorous investigation is being conducted to trace out the alleged detenu. All the steps taken in the progress of investigation is elaborately illustrated in the various statements filed. We are convinced that the investigation of the case registered with respect to missing of the alleged detenu Smt. Alli Devi is now progressing in the right direction. However, we make it clear that if the investigation is not yielding in any positive result within a reasonable time, hereafter, the petitioner will be at liberty to seek appropriate remedy in appropriate proceedings. At any rate, we do not find any ground to entertain this writ petition for issuing a writ of habeas corpus.

Therefore the writ petition is hereby disposed of reserving liberty to the petitioner as mentioned above.

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

