

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(Cr1.).No. 538 of 2014 (S)

PETITIONER(S) :

SHIBU, AGED 35 YEARS
S/O.CHANDRAN, SURESH BHAVAN, VIKAS NAGAR
SREEKARIYAM, THIRUVANANTHAPURAM.

BY ADV. SRI.R.T.PRADEEP

RESPONDENT(S) :

1. THE DIRECTOR GENERAL OF POLICE
POLICE HEADQUARTERS, VAZHUTHACAUD
THIRUVANANTHAPURAM-695014.
2. THE CITY POLICE COMMISSIONER
OFFICE OF CITY POLICE COMMISSIONER, VAZHUTHACAUD
THIRUVANANTHAPURAM-695014.
3. THE ASSISTANT COMMISSIONER OF POLICE
OFFICE OF ASSISTANT COMMISSIONER OF POLICE
SHANGUMUGHAM, THIRUVANANTHAPURAM-695001.
4. THE CIRCLE INSPECTOR OF POLICE
OFFICE OF CIRCLE INSPECTOR OF POLICE
MEDICAL COLLEGE, THIRUVANANTHAPURAM-695001.
5. THE SUB INSPECTOR OF POLICE
SREEKARIYAM POLICE STATION, THIRUVANANTHAPURAM.
6. RAJKUMAR @ RAJU
BANGALORE
STATE OF KARNATAKA (OTHER DETAILS OF R6 NOT KNOWN)

BY GOVERNMENT PLEADER ADV.SRI.KOCHUMOL KODUVATH

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 538 of 2014 (S)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE FIR DATED 14.12.2014 IN CRIME NO.1342/2014 OF SREEKARIYAM POLICE STATION.

EXT.P2 : TRUE COPY OF THE REPRESENTATION DATED 19.12.2014 BY THE FATHER-IN-LAW OF PETITIONER BEFORE THE 3rd RESPONDENT.

EXT.P3 : TRUE COPY OF THE RECEIPT DATED 19.12.2014 ISSUED BY ASSISTANT COMMISSIONER OF POLICE, SHANGUMUGHAM.

RESPONDENTS' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

V.K.MOHANAN & P.D.RAJAN, JJ.

W.P.(Crl.)No.538 of 2014

Dated this the 14th day of January, 2015.

J U D G M E N T

Mohanana, J.

Shibu, the petitioner, who is the husband of one Saritha and father of two children, namely Abhijit and Aleena, alleging that the 6th respondent induced his wife and children and illegally detained them somewhere, preferred this writ petition under Article 226 of the Constitution of India. According to the petitioner, he enquired about his wife and children in the house of their relatives on 11.12.2014 and on 12.12.2014, but of no avail and thereafter there was no information. So according to him, he informed the matter to Sreekariyam Police Station wherein Crime No.1342/14 was registered. As there was no fruitful investigation, he preferred the above writ petition praying inter alia to issue a writ of habeas corpus or any other appropriate writ order or direction to cause the

production of the body of wife and children of the petitioner who are illegally detained by the 6th respondent before this Court.

2. When the above writ petition came up for consideration on 30.12.2014, another Bench of this Court directed the learned Government Pleader to get instruction. Thereafter, when the case was again taken up for consideration on 5.1.2015, the learned Government Pleader again sought time to trace out the detenues. Though dissatisfied with the investigation conducted by the Police, on 5.1.2015 this Court granted 10 days' time as requested by the learned Government Pleader ; however, the Assistant Commissioner of Police was directed to see that an effective and meaningful investigation is undertaken by the Police to trace out the detenues. Thus we ordered to post the matter after 10 days.

3. That being the position, the learned counsel appearing for the petitioner as well as the learned

Government Pleader submitted today morning that, the Police has traced out the detenues and they are producing before this Court on today itself. As there is no posting of this case today, we directed the Registry to post the matter after lunch.

4. Thus the matter is taken after lunch and at that time, the detenues are produced. We have interacted with the petitioner as well as his wife Saritha, the detenie. During our interaction, the wife submitted that because of some difference of opinion she volunteered to quit the company of the petitioner with her children and now she wants to go along with the petitioner, since according to her, her decision to quit the petitioner's company was incorrect. The petitioner also, during our interaction with him, submitted before us that there was some fault on his side also and he is now ready to take his wife and children along with him. The above submissions of the petitioner as well as the detenie, who is the mother of other detenues,

are recorded. In the light of the said facts, it can be seen that the wife of the petitioner or his children are not under illegal custody of anybody including the 6th respondent. Therefore, no further orders are warranted. Accordingly, the writ petition is closed permitting the detenues to go along with the petitioner.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge