

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(Crl.).No. 5 of 2015 (S)

PETITIONER:

**MUKESH. J., AGED 22 YEARS,
S/O.JAYAKUMAR, RESIDING AT MAHESH NIVAS,
KALLAMVILA VEEDU, ENIKKARA, KARAKULAM. P.O.,
THIRUVANANTHAPURAM-695 564.**

BY ADV. SRI.A.CHANDRA BABU.

RESPONDENTS:

- 1. SUPERINTENDENT OF POLICE,
THIRUVANANTHAPURAM RURAL DISTRICT,
DISTRICT POLICE HEAD QUARTERS,
VAZHUTHACAUD, THIRUVANANTHAPURAM-695 001.**
- 2. THE SHO, ARUVIKARA POLICE STATION,
THIRUVANANTHAPURAM-695 022.**
- 3. NADERSH, AGED 45 YEARS,
S/O.ABDUL AZIZ, RESIDING AT 15/504, SARJITH MANZIL,
AZHIKODE, ARUVIKARA, THIRUVANANTHAPURAM-695 022.**
- 4. JASMINE, AGED 36 YEARS,
W/O.NADERSH, RESIDING AT 15/504, SARJITH MANZIL,
AZHIKODE, ARUVIKARA, THIRUVANANTHAPURAM-695 022.**

**R1 & R2 BY SRI.TOM JOSE PADINJAREKKARA, ADDL. D.G.P.
GOVT. PLEADER SRI.JOBY JOSEPH.
R3 & R4 BY ADV. SRI.M.SREEKUMAR.**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- | | |
|--------|--|
| EXT.P1 | TRUE COPY OF THE PHOTOS TAKEN TOGETHER BY THE PETITIONER AND DETENU |
| EXT.P2 | TRUE COPY OF THE MESSAGE SEND BY THE DETENU TO THE PETITIONER FORM HER MOBILE PHONE |
| EXT.P3 | TRUE COPY OF THE MESSAGE SEND BY THE DETENU TO THE PETITIONER FROM HER MOBILE PHONE ON 19.10.2014. |

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

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

W.P.(Crl) No. 5 of 2015

Dated this the 13th day of January, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioner's claim is that himself and one Fahuma Sha, daughter of respondents 3 and 4 are neighbours and they know each other for the last four years and their friendship developed into an unbreakable affair and since 2010 both were in love. It is also the claim of the petitioner that himself and the said Fahuma Sha have decided to get married. To show the relationship between the petitioner and the said Fahuma Sha, the petitioner has produced Ext.P1 photographs. According to the petitioner, the parents of the said Fahuma Sha, on coming to know about the relationship between the petitioner and the said Fahuma Sha, illegally

detained her and according to the petitioner, Exts.P2 and P3 produced along with the above writ petition would show the said facts. It is also the case of the petitioner that on the basis of Ext.P3 message, though he tried to contact the detainee, such attempt resulted in vain because of the approach of respondents 3 and 4. In short, the case of the petitioner is that respondents 3 and 4, who are the parents of the said detainee, keeping their daughter- namely, Fahuma Sha under their illegal custody against her will and desire. Therefore, it is prayed to issue a writ of Habeas Corpus directing the respondents to produce the detainee, before this Court and release her from the illegal custody of the respondents.

2. Pursuant to the direction issued by this Court on 6.1.2015, respondents 3 and 4 produced their daughter before this Court on today. We have interacted with her. We have also heard the learned counsel appearing for the

petitioner as well as respondents 3 and 4.

3. During our interaction with the detenue, she submitted before us that she is not under the illegal custody of anybody including respondents 3 and 4. When we put to the said detenue whether she is interested in talking to the petitioner, her answer was negative. The above facts would show that the allegation of the petitioner is not correct and the alleged detenue is not under the illegal custody of anybody. If that be so, this Court lacks jurisdiction to proceed further with the enquiry in above writ petition. As the detenue is not under the illegal custody as alleged, no further orders are warranted in the above proceedings.

Accordingly, this writ petition (Crl) is closed.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

