

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. 11 of 2015 (S)

PETITIONER(S) :

MOHANAN, AGED 58 YEARS
S/O.AYYAPPAN, THOTTAPPULLY HOUSE, KATTOOR KARA
KATTOOR P.O., MUKUNDAPURAM TALUK.

BY ADVS.SRI.P.N.SUKUMARAN
SRI.JAISON JOSEPH

RESPONDENT(S) /RESPONDENTS:-:

1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, HOME DEPARTMENT
GOVT.SECRETARIAT, THIRUVANANTHAPURAM-695 001
2. DISTRICT POLICE CHIEF,
KOLLAM DISTRICT-690538.
3. SUB INSPECTOR OF POLICE,
SASTHAMKOTTA POLICE STATION, KOLLAM DISTRICT-690 001.
4. SUB INSPECTOR OF POLICE,
KATTOOR POLICE STATION, THRISSUR DISTRICT-680 001.
5. BIJU KUMAR,, AGED 36 YEARS
S/O.SOMAN, BIJU BHAVAN, PERUNGALAM P.O.
KIDAPRAM NORTH, THEVALAKKARA, KOLLAM
PIN - 690 538.

R1-R4 BY ADV. SRI.TOM JOSE PADINJAREKKARA -ADDL.DIRECTOR
GENERAL OF PROSECUTION

RADDL.6 BY ADV. SRI.BIMAL K.NATH
RADDL.6 BY ADV. SRI.SREEVALSAN.V
RADDL.6 BY ADV. SMT.M.K.SHIMI
RADDL.6 BY ADV. SRI.D.SREENATH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

acd

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

W.P.(Crl) No. 11 of 2015

Dated this the 14th day of January, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioner is the father of one Dhanya and he preferred this writ petition alleging that his daughter is under the illegal custody of the 5th respondent. According to the petitioner, the marriage of Dhanya has already been fixed, which scheduled to be held 25.1.2015. It is also the case of the petitioner that the 5th respondent is already married and he is having a living wife and two children. But, he detained the daughter of the petitioner on knowing that her marriage has been fixed. Therefore, it is prayed to issue a writ of Habeas Corpus or any other appropriate direction or order directing the respondents to produce the daughter of

the petitioner, namely, Dhanya before this Court and to release her from the illegal custody of the 5th respondent and set her at liberty.

2. While admitting the above writ petition, by order dated 7.1.2015, we directed the 5th respondent to produce the said Dhanya before this Court on this date and respondents 1 to 4 were directed to see that the said direction is complied with by the 5th respondent.

3. When the matter is taken today, the learned Additional Director General of Prosecution Mr. Tom Jose Padinjarekkara submitted that the detenue was traced out on 10.1.2015 and she was produced before the Judicial First Class Magistrate Court-I, Chalakudy and the learned Magistrate, after recording her statement, sent her along with the petitioner. As the detenue is appeared before us,

we interacted with her. She submitted before us that though her marriage was fixed with another man, on her enquiry, it is revealed that the conduct of that person was not so good and he is having illicit relationship with certain ladies and therefore, she was not interested in marrying that man and those facts were divulged to the 5th respondent and thereafter, she volunteered to go along with the 5th respondent. She submitted that she is not under the illegal custody of anybody including the 5th respondent. The above submission is recorded. As the detinue herself submitted before us that she volunteered to go along with the 5th respondent and she is not under the illegal custody of anybody including the 5th respondent, we lack jurisdiction to proceed further and accordingly, this writ petition is closed.

Since we have already closed the above writ petition, the impleading petition filed by the wife of the 5th respondent need not be considered and accordingly the same is also closed.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

