

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(Crl.).No. 16 of 2015 (S)

PETITIONER:

PADMINI AGED 41 YEARS
W/O.PREMKUMAR, AMBAZHATHIL HOUSE, ENADI
ARIMANAL P.O, KALIKAVU, NILAMBUR
MALAPPURAM DISTRICT

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE, KALIKAVU POLICE STATION
MALAPPURAM DISTRICT PIN 676 525

2. THE CIRCLE INSPECTOR OF POLICE,
VANDOUR MALAPPURAM DISTRICT PIN 676 505

3. THE SUPERINTENDENT OF POLICE
MALAPPURAM PIN 676 505

4. DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEADQUARTERS, TRIVANDRUM 695 001

5. SHAFI, AGED 20 YEARS
S/O.HUSSAIN, VIRIPPAKKIL HOUSE, KAPPU
PALLIPADI, VETTATHUR (PO) PIN 679 326, PERINTHALMANNA
MALAPPURAM DISTRICT

6. HUSSAIN, AGED 50 YEARS
VIRIPPAKKIL HOUSE, KAPPU, PALLIPADI
VETTATHUR (PO) PIN 679 326, PERINTHALMANNA
MALAPPURAM DISTRICT

7. SAINABA, AGED 45 YEARS
W/O.HUSSAIN, VIRIPPAKKIL HOUSE, KAPPU
PALLIPADI, VETTATHUR (PO) PIN 679 326, PERINTHALMANNA
MALAPPURAM DISTRICT

R1-R4 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION

R6,R7 BY ADV. SRI.C.M.KAMMAPPU

R5 BY ADV. SRI.P.M.HABEEB

BY GOVERNMENT PLEADER SRI.P.S.ABDUL KAREEM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.**

W.P.(CrI)No.16 OF 2015

Dated this the 23rd day of February, 2015

JUDGMENT

Ramachandran Nair, J.

This writ petition is filed by the petitioner who is the mother of Ms.Santhini, seeking for various reliefs, including one to direct respondents 1 to 4 to produce the detinue before this Court.

2. The case pleaded is that appellant's husband is bed ridden due to paralysis and they have got three daughters. The detinue, it appears had left with the fifth respondent, who is a student of the college in which Ms.Santhini is studying. When the matter came up for consideration by a Division Bench of this Court, a detailed interim order was passed on 28/1/2015 whereby the detinue was directed to be admitted in SNV Sadanam Hostel, Ernakulam.

3. On the last occasion, when she was produced before this Court on 13.2.2015, she wanted to visit her father, who is laid up. It is evident from the said order that a notice under Special Marriage Act

was given on 11.02.2015.

4. Today, the girl is present along with her mother and the fifth respondent is also personally present. The girl namely Ms.Santhini submitted that she wants to go along with her mother and to continue her studies and she does not want to continue the affair with the fifth respondent. It is also stated that even though notice under Special Marriage Act has been given, she want to go back on the same. It is also requested that the gold ornaments entrusted to the fifth respondent may be directed to be returned.

5. We have interacted with the fifth respondent also who appeared to be upset by the sudden change of mind of the girl.

6. We heard the learned counsel on both sides.

7. Since the girl is a major, she is competent to take a decision with regard to her future. We ascertained repeatedly from her as to whether she has taken the decision consciously. Accordingly to her, she has taken a conscious decision in the matter.

8. In that view of the matter, we allow her to go on her free will with the mother. As far as the return of gold ornaments are

concerned, since it is admitted by the fifth respondent that the girl has entrusted her gold ornaments with her and he has not brought it today, he will produce it before the concerned police station and the Sub Inspector of Police of the station will see that the gold is handed over to the girl or her parents. The learned Public Prosecutor will take steps in the matter.

The writ petition is disposed of accordingly.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.