

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(Crl.).No. 20 of 2015 (S)

PETITIONER:

SHINU U. AGED 33 YEARS
S/O.UTHAMAN, KONATHERIL PUTHUVAL, PUTHUPPALLY P.O
PUTHUPPALLY THEKKU MURI, PUTHUPPALLY VILLAGE
KAYAMKULAM, ALAPPUZHA DISTRICT

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, SECRETARIAT
THIRUVANANTHAPURAM PIN 695 001

2. THE DISTRICT POLICE CHIEF
ALAPPUZHA , ALAPPUZHA DISTRICT

3. THE SUB-INSPECTOR OF POLICE,KAYAMKULAM POLICE
STATION,KAYAMKULAM,ALAPPUZHA DISTRICT

4. THE SUB-INSPECTOR OF POLICE
SASTHAMCOTTA POLICE STATION, SASTHAMCOTTA
KOLLAM DISTRICT PIN 690 521

5. RETNAKUMARI, AGED 48 YEARS
W/O.SIVADASAN, MYNAGAPPALLY VILLAGE, KOLLAM DISTRICT

6. SIVADASAN, AGED 50 YEARS
SREE BHAVANAM, EDAVANASSERI, MYNAGAPPALLY VILLAGE
KOLLAM DISTRICT

7. SREEKUMARI, AGED 22 YEARS
S/O.SIVADASAN, SREE BHAVANAM, EDAVANASSERI
MYNAGAPPALLY VILLAGE, KOLLAM DISTRICT

R1 -R 4 BY ADV. DIRECTOR GENERAL OF PROSECUTION
R5 BY ADV. SRI.R.SUNIL KUMAR
R5 BY ADV. SMT.A.SALINI LAL
R BY GOVERNMENT PLEADER SMT KOCHUMOL KODUVATH

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 20 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 A TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 27-10-2012
ISSUED BY THE SECRETARY & REGISTRAR ,MYNAGAPPALLY GRAMA PANCHAYATH
EXHIBIT P2 A TRUE COPY OF THE BIRTH CERTIFICATE DATED 22-04-2009
ISSUED BY THE REGISTRAR OF BIRTHS KAYAMKULAM MUNICIPALITY
EXHIBIT P3 A TRUE COPY OF THE COMPLAINTS DATED 05-01-2015 BEFORE THE
2ND AND 3RD RESPONDENTS

RESPONDENT(S) ' EXHIBITS: NIL

//TRUE COPY//

PS TO JUDGE

lgk

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

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WP(Crl) No.20 of 2015

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Dated 23rd January, 2015

JUDGMENT

V.K.MOHANAN, J

The petitioner, who claims that he is the husband of one Sreeja and father of one Avani, preferred this writ petition wherein it is alleged that the said Sreeja and Avani went along with respondents 5 and 7 from his house and have not yet returned back to his house. It is also the case of the petitioner that he had preferred a complaint before the S.I of Police, Sasthamcotta Police Station and they registered Crime No.1745 of 2014 for man missing but no effective investigation has been conducted. It is the further case of the petitioner that he now came to know that his wife and daughter are illegally detained by respondents 6 and 7 somewhere and the life of the petitioner's wife and daughter are in danger and so it is prayed to issue a writ of habeas corpus or any other order or direction in the nature thereof directing respondents 2 to 4 to produce the petitioner's wife

Sreeja.R and daughter Avani before this court and also prayed to hand over them to the petitioner.

2. When the above writ petition came up for consideration on 13.1.2015, instead of admitting the same, we directed the learned Government Pleader to get instruction in the matter and accordingly the case was posted on 20.1.2015. But the learned Government Pleader on that day sought time to trace out the detenue and this court, while granting an adjournment, directed the respondents 2 to 4 to strengthen the investigation. Though there was no specific posting of the case, the learned Government Pleader, in the after noon session submitted that the detenues have appeared before the police and they can be produced before this court. Consequently, we directed the registry to post the above matter today after lunch.

3. Thus the case is considered. Learned counsel appearing for the petitioner is present and submitted that the petitioner is not present as there was no specific posting. Adv.R.Sunil Kumar appeared and submitted that

no notice is served on the respondents 5 to 7.

4. At the outset, it is to be noted that considering the nature of averment in the petition, when the above writ petition came up for consideration, we did not admit the same, but asked the Government Pleader to get instruction, particularly when the averment is to the effect that the so called detinue went along with respondents 5 to 7, who are none other than the mother and brother of the wife of the petitioner. As both the detinue are available before us, we interacted with Sreeja, the wife of the petitioner and she stated in an unequivocal language that though the petitioner, her husband is not available in station, as per his instruction, her in-laws and relatives had driven out her and her daughter from the matrimonial home and thus she directly went to her parental home at Mynagappally and joined with respondents 5 to 7, her parents and brother. She also submitted that she is not under the illegal custody of anybody including respondents 5 to 7. Thus, it is clear from the words of the so called Sreeja, the wife of

the petitioner that she is not under the illegal custody of anybody. If that be so, no further enquiry is warranted in this proceedings and no orders required to be issued.

In the result, this writ petition is closed.

V.K.MOHANAN, JUDGE

P.D.RAJAN, JUDGE

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