

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(Cr1.).No. 25 of 2015 (S)

PETITIONER(S) :

AKHIL DAS, AGED 23 YEARS
S/O. DASAN, MELEPARAMBIL HOUSE, RAHMATH NAGAR
KALPAKANCHERY P.O., TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.C.K.MOHANAN

RESPONDENT(S) :

1. THE SUB INSPECTOR OF POLICE
HILL PALACE POLICE STATION, THRIPIUNITHURA
ERNAKULAM DISTRICT - 682 301.
2. THE CIRCLE INSPECTOR OF POLICE
HILL PALACE, THRIPIUNITHURA
ERNAKULAM DISTRICT - 682 301.
3. THE CIRCLE INSPECTOR OF POLICE
TIRUR, MALAPPURAM DISTRICT - 676 101.
4. DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEAD QUARTERS, TRIVANDRUM - 695 001.
5. ASHIF, AGED 22 YEARS
S/O. HAMSA, THEKKEKUNNATH HOUSE, BEERAN CHIRA
TRIPANGODE P.O., TIRUR, MALAPPURAM DISTRICT - 676 101.
6. YUSAF, AGED 50 YEARS
THEKKEKUNNATH HOUSE, BEERAN CHIRA, TRIPANGODE P.O.
TIRUR, MALAPPURAM DISTRICT - 676 101.
7. SAFIYA, AGED 45 YEARS
W/O. HAMSA, THEKKEKUNNATH HOUSE, BEERAN CHIRA
TRIPANGODE P.O., TIRUR, MALAPPURAM DISTRICT - 676 101.

R1-R4 BY ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.TOM JOSE PADINJAREKKARA
R5-R7 BY ADV. SRI.R.O.MUHAMED SHEMEEM
SMT.NASEEHA BEEGUM P.S.
SRI.T.P.ABDUL HAMEED

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

ami/

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

W.P.(CrI.)No.25 of 2015

Dated this the 2nd day of February, 2015.

J U D G M E N T

Mohanan, J.

The petitioner, who is the brother of one Athira, preferred this writ petition under Article 226 of the Constitution of India alleging that his sister who is a +2 student and undergoing a Lab Technician course, was missing from 21.12.2014 at 6 a.m. onwards and it is further alleged that, on enquiry it was revealed to him that respondents 5 and 6 along with their henchmen had abducted his sister in a motor car from the vicinity of a Yoga center and thereafter she is kept under the illegal confinement of respondents 5 and 6 in somewhere at Malappuram ; therefore it is prayed to issue a writ of habeas corpus directing the respondents 1 to 4 to produce the detainee before this Court as expeditiously as possible and this Court be pleased to hand over the sister of the petitioner to his control and custody.

2. When the above writ petition came up for consideration, by order dated 14.1.2015, we directed respondents 5 to 7 to produce the sister of the petitioner, namely Athira before this Court on 21.1.2015. Accordingly, the said Athira was produced before this Court and thereafter we interacted with the said Athira who appeared before this Court along with the 5th respondent. We have also interacted with the petitioner and his mother. Thereafter, we passed an order on 21.1.2015 which forms part of this judgment. In the said order, we directed to post the matter on this date and it was also directed to produce the detinue; and the 5th respondent was directed to produce the marriage certificate if any.

3. Accordingly, when the case is taken up today, the said Athira appeared before us along with the 5th respondent. Though the learned counsel for the petitioner present, the petitioner is absent. When we asked about the arrangement ordered by this Court on 21.1.2015, both the alleged detinue and the 5th respondent submitted that they have registered their marriage before the Marriage Officer,

Codacal, under the provisions of Special Marriage Act, 1954 and thereafter the 5th respondent in terms of the direction issued by this Court on 21.1.2015, handed over to us a marriage certificate dated 29.1.2015 issued by the Marriage Officer, Codacal, which shows that the marriage was registered on 29.1.2015. Thus, it can be seen that the sister of the petitioner namely Athira is now the legally wedded wife of the 5th respondent and the marriage was registered with her desire and with her full consent and as such, it is crystal clear that she is not under the illegal confinement of anybody. Since the alleged detainee is not under the illegal confinement of anybody and as she is the legally wedded wife of the 5th respondent, no further orders are necessary in this writ petition. Accordingly, this petition is closed.

Sd/-

V.K.MOHANAN, Judge

Sd/-

P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge