

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 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(Cr1.).No. 26 of 2015 (S)

PETITIONER(S) :

CHANDRAN, AGED 44 YEARS
S/O.UNNIKRISHNAN, KALANGODI PARAMBIL HOUSE
THRIKKALANGODE P.O., MANJERI, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.K.MOHAMED JAMEEL
SRI.ABDUL SHUKOOR MUNDAMBRA

RESPONDENT(S) :

1. SUPERINTENDENT OF POLICE
MALAPAPURAM DISTRICT-676 001.
2. THE SUPERINTENDENT OF POLICE
KOHICODE DISTRICT-673001.
3. THE SUB INSPECTOR OF POLICE
MANJERI POLICE STATION, MALAPPURAM DISTRICT-676 101.
4. VIDHUL, AGED 20 YEARS
S/O.VELAYUDHAN, THAYYILTHODI HOUSE, PULLOORAMPARA P.O.
KOZHIKODE-673 603.
5. VELAYUDHAN
THAYYILTHODI HOUSE, PULLOORAMPARA P.O.
KOZHIKODE-673 603.
6. SALI
W/O.VELAYUDHAN, THAYYILTHODI HOUSE, PULLOORMPARA P.O.
KOZHIKODE-673 603.
7. VIMAL
S/O.VELAYUDHAN, THAYYILTHODI HOUSE, PULLOORAMPARA P.O.
KOZHIKODE-673 603.

R1-R3 BY GOVERNMENT PLEADER SRI.P.S.ABDUL KAREEM
R4 -R 7 BY ADV. SRI.A.T.ANILKUMAR
R4 -R 7 BY ADV. SMT.V.SHYLAJA

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 26 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1. TRUE COPY OF THE COMPLAINT DATED 8/1/2015 FILED BEFORE THE
3RD RESPONDENT

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(CrI.)No.26 of 2015

Dated this the 21st day of January, 2015.

J U D G M E N T

Mohanana, J.

The petitioner is the father of one Anjitha, who is aged 18 years, and he preferred the above writ petition under Article 226 of the Constitution of India alleging that the 4th respondent has kept the daughter of the petitioner under illegal custody. Therefore, it is prayed to issue a writ of habeas corpus commanding respondents 1 to 7 to produce the body of the petitioner's daughter Anjitha before this Court.

2. When the above writ petition came up for consideration, while admitting the same, we issued notice to respondents 4 to 7 and they were directed to produce the daughter of the petitioner before this Court on this date. The respondents 1 to 3 police officials were also directed to see that respondents 4 to 7 had complied with the above

direction. Accordingly, the detinue appeared before us along with the 4th respondent. The petitioner is also present. We have interacted with the petitioner as well as his daughter, the alleged detinue Anjitha. We heard both the counsel appearing for the petitioner and the contesting respondents and also heard the learned Government Pleader.

3. During our interaction with the petitioner, he submitted before us that his daughter was forcibly taken by the 4th respondent when she was returning after attending the college. He has also raised certain other allegations against the 4th respondent. It is also his case that his daughter is a minor.

4. When we interacted with the daughter of the petitioner Anjitha, she submitted before us that she had attained the age of 18 years on 16.9.2014 and she is a B.Com student of M.E.S. college, Mambad. To a pertinent question as to whether she is under the illegal custody of

anybody, the alleged detainee Anjitha answered that, she volunteered to go along with the 4th respondent, since she was in love with him. It is also submitted by her that, the parents and relatives of the 4th respondent approached the petitioner and his relatives with the proposal of marriage ; but the petitioner as well as other relatives had not accepted the proposal, pursuant to which, there was some dispute in her house and on realisation that the 4th respondent will not approve the proposed relationship, she went along with the 4th respondent and thereafter they have registered their marriage under the provisions of the Special Marriage Act. The learned counsel for respondents 4 to 7 handed over to us a copy of certificate of marriage dated 15.1.2015 issued under Rule 11(1) of the Kerala Registration of Marriages (Common) Rules, 2008 and also produced the copy of Secondary School Leaving Certificate of Anjitha. Besides the above documents, the marriage certificate dated 9.1.2015 issued by the Secretary, Sree

Porkali Bhagavathi temple, Koodaranji, is also furnished to us. On perusal of the above documents, it can be safely concluded that the daughter of the petitioner attained majority and she had attained 18 years on 16.9.2014. The certificate of marriage issued by the Local Registrar, Koodaranhi Grama Panchayat, shows that the marriage between the detainee and the 4th respondent has been registered on 15.1.2015 and before that, they have undergone rituals of customary marriage as evident by the certificate dated 9.1.2015 issued by the Secretary, Sree Porkali Bhagavathi temple, Koodaranji.

5. In the light of the above facts and circumstances, it is crystal clear that the daughter of the petitioner is not under the illegal confinement of anybody, but she volunteered to go along with the 4th respondent and subsequently their marriage has been registered and they have also undergone customary marriage in a temple. The detainee also submitted before us that she wants to go along

with the 4th respondent, who is her husband. Therefore, we find no merit in this petition and accordingly the same is dismissed.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

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//True copy//

P.A.to Judge