

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(Crl.).No. 30 of 2015 (S)

PETITIONER(S) :

ANILKUMAR AGED 48 YEARS
S/O. SUKUMARA PILLAI, CHARUVILA VEEDU
THURUTHILAMBALAM, KULAKKADA EAST MURI
KULAKKADA VILLAGE, KOTTARAKARA TALUK, KOLLAM DISTRICT

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT(S) :

1. THE SUPERINTENDENT OF POLICE (RURAL) ,
KOTTARAKARA,KOLLAM DISTRICT-691 521.
2. THE CIRCLE INSPECTOR OF POLICE,PUTHOOR POLICE
STTION,KOLLAM DISTRICT-691 521
3. THE SUB INSPECTOR OF POLICE
PUTHOOR POLICE STATION, KOLLAM DISTRICT-691 603
4. DEEPU
S/O. SOMAN, VIJAYABHAVANAM, POOVATTOR WEST MURI
MAVADI P.O, KULAKKADA VILLAGE, KOTTARAKARA TALUK
KOLLAM DISTRICT-691 601.

R1-R3 BY ADV. SMT. KOCHUMOL KADAVATH.- GOVERNMENT PLEADER.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

acd

WP(Crl.).No. 30 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHBIIT P1 A TRUE COPY OF THE COMPLAINT DATED 07-01-2015 BEFORE THE
3RD RESPONDENT

RESPONDENT(S) ' EXHIBITS

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NIL.

TRUE COPY

PA TO JUDGE.

acd

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

W.P.(Crl) No. 30 of 2015

Dated this the 27th day of January, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioner, who is the father of one Ms. Athulya, preferred this petition alleging that his daughter is missing from 6.1.2015, as she had left the house at about 5.45 p.m. without consent or knowledge of her parents. It is the further case of the petitioner that though himself and his relatives conducted enquiry and search with their relatives and friends of the daughter of the petitioner, they could not trace out her. It is also the case of the petitioner that he came to know that the 4th respondent, a native of Kulakkada west muri was in love with his daughter and she went along with him. The petitioner's attempt to contact the 4th

respondent in his house resulted in vain, since the house-made told him that they have no knowledge about the 4th respondent and thus, according to the petitioner, he was constrained to lodge a complaint before the Sub Inspector of Police, Puthoor Police Station as per Ext.P1 . But, the police has not taken any effective steps to trace out the daughter of the petitioner, inspite of the crime registered by them. Under the above circumstances, the petitioner preferred the above writ petition under Article 226 of the Constitution of India praying inter alia to issue a writ of Habeas Corpus commanding respondents 2 to 4 to produce the petitioner's daughter Athulya, aged 21 years, before this Court forthwith and also prayed to restore the custody of the petitioner's daughter- Athulya to him.

2. By order dated 19.1.2015, while the above writ petition was admitted and while issuing notice to the 4th

respondent, we directed him to produce Ms.Athulya before this Court on this date and thus when the case is taken today, the learned Government Pleader submitted that the detenue is produced.

3. Ms. Athulya, aged 21 years, daughter of the petitioner appeared before us and we have interacted with her. We have also interacted with the 4th respondent. The petitioner is not present. However, he is represented by his counsel Sri. K.V. Anil Kumar.

4. When we interacted with the so called detenue, she submitted before us that she was in love with the 4th respondent and she volunteered to go along with the 4th respondent and thereafter, they have married each other at Kaithakkode Kanyarkkavu Sree Vanadurganagaraja kshethram, Kollam. To substantiate the above claim, she has produced certificate dated 19.1.2015 issued by the

Secretary of the said temple. She has also submitted that after the marriage ceremony undergone in the temple, the detinue as well as the 4th respondent filed an application before the Pavithreswaram Grama Panchayat for registering their marriage and produced a cash receipt issued from the said Grama Panchayat on 20.1.2015. The detinue as well as the 4th respondent submitted that after the marriage, they were residing together in the tharavadu house of the 4th respondent and at present they are residing in the house of the 4th respondent as man and wife.

5. In the light of the facts disclosed by the detinue herself, we find that we have no jurisdiction to proceed further, as the daughter of the petitioner is not under the illegal custody of anybody including the 4th respondent and therefore, no further orders are

warranted in this proceedings.

In the light of the facts and circumstances, as the detinue and the 4th respondent are now living as wife and husband, this writ petition (Crl) is closed.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

