

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 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(Crl.).No. 34 of 2015 (S)

PETITIONER:

LALY ACHENKUNJU AGED 52 YEARS
W/O ACHENKUNJU, CHIRAKAL PUTHYENVEEDU
PATHIYOORKALA KEERIKKADU P.O.
ALAPPUZHA DISTRICT-690508.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695001.

2. THE DISTRICT POLICE CHIEF
ALAPPUZHA-690508.

3. THE CIRCLE INSPECTOR
HARIPAD, ALAPPUZHA DISTRICT-691009.

4. SUB INSPECTOR OF POLICE
KAREELAKULANGARA POLICE STATION
ALAPPUZHA DISTRICT-691009.

5. SHIBIN P.J., AGED 30 YEARS
S/O JOY, KIZHAKKEYIL SHAJI'S QUARTERS NO.3
KUNHUMKULAM, PUTHUPADI P.O., EENGAPUZHA
THAMARASSERI, KOZHIKODE DISTRICT-673586.

R-R1-R4 BY ADV. DIRECTOR GENERAL OF PROSECUTION
R5 BY ADV. SRI.C.BHASKARAN
R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 34 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: THE TRUE COPY OF RECEIPT ISSUED FROM THE OFFICE OF THE
THIRD RESPONDENT ACKNOWLEDGING THE RECEIPT OF THE COMPLAINT.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

PS TO JUDGE

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

.....
WP(Cr)No.34 of 2015
.....

Dated 28th January, 2015

JUDGMENT

V.K.MOHANAN, J

The petitioner, who is the mother in law of one Meenu Mathew, preferred this writ petition under Article 226 of the Constitution of India alleging that her daughter in law is under the illegal confinement of the 5th respondent. According to the petitioner, 5th respondent is the paramour of the said Meenu Mathew, who has taken the detinue to an undisclosed location. So it is prayed to issue a writ of habeas corpus or any other appropriate writ, order or direction, commanding and compelling the respondents to produce the corpus of Meenu Mathew before this court and to set her at liberty.

2. When we admitted the above writ petition and while issuing notice to the 5th respondent, he was directed to produce the daughter in law of the petitioner before this court on this date and respondents 2 to 4 were directed to see that 5th respondent has complied with the above direction.

3. Thus, when the matter is taken today, learned Government Pleader submitted that the daughter in law of the petitioner is produced. The petitioner is also present.

4. We have interacted with Meenu Mathew, the so called detainee and during our interaction with her, she submitted that she is not under the illegal confinement of anybody. The said submission is recorded. The petitioner, who is present in person submitted before us that her daughter in law, the detainee, Meenu Mathew is under the illegal confinement of 5th respondent.

5. As the so called detainee herself submitted before us that she is not under the illegal confinement of anybody and she voluntarily left her matrimonial home, we lack jurisdiction to proceed with the enquiry under Article 226 of the Constitution of India. As the detainee, Meenu Mathew is not under the illegal confinement of anybody and recording the said submission of the detainee, this writ petition is closed.

V.K.MOHANAN, JUDGE

P.D.RAJAN, JUDGE

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