

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. 37 of 2015 (S)

PETITIONER(S) :

SREEDEVI BINU AGED 34 YEARS
W/O.BINU, PEREKKATTIL HOUSE, THOPPIL
B.M.C. P.O. ERNAKULAM DISTRICT, PIN - 682 021

BY ADVS.SRI.T.S.RAJAN
SMT.MAREEJA MOOSA
SRI.P.J.ANTONY JOSEPH MARIADAS

RESPONDENT(S) :

1. SUPERINTENDENT OF POLICE
ERNAKULAM RURAL, S.P.OFFICE, ALUVA
2. SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION, MULANTHURUTHY P.O.
ERNAKULAMT DIST
3. MRS. VALSALA, W/O.VIJAYAN PILLAI, AGED 49 YEARS
SAI SADANAM, KELUYETTIKKARA P.O, ARAYANKAVU
ERNAKULAM DIST, PIN - 682 315
4. VARUN, S/O.VIJAYAN PILLAI,
AGED 26 YEARS, ANCHIL HOUSE, SAI SADANAM,
KELUYETTIKKARA P.O.
ARAYANKAVU, ERNAKULAM DIST, PIN - 682 315

R1-R2 BY ADV. SRI. SHIBU JOSEPH - GOVERNMENT PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

acd

WP(Crl.).No. 37 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXBT P1- TRUE COPY OF THE INVITATION CARD OF THE MARRIAGE OF THE
DETENUE

RESPONDENT(S) ' EXHIBITS

-----;

NIL.

TRUE COPY

PA TO JUDGE.

acd

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

W.P.(Crl) No. 37 of 2015

Dated this the 27th day of January, 2015

JUDGMENT

V.K.Mohanana,J.

One Mrs. Sreedevi Binu, being the next friend of one Varsha, preferred the above writ petition alleging that the said Varsha is kept under the illegal confinement of respondents 3 and 4 and they are making arrangement for the marriage of the detainee as per Ext.P1 invitation card, against her wish and desire and without her consent. Therefore, it is prayed to issue a writ of Habeas Corpus to produce Ms. Varsha, the detainee before this Court from the illegal custody of respondents 3 and 4.

2. When the above writ petition came up for consideration, we issued an order dated 22.1.2015, which

forms part of this judgment. As per the above judgment, the 1st respondent is directed to depute a Senior Woman Police Officer to conduct a discrete enquiry and to record the statement of the detinue, with respect to the allegations raised in this writ petition. It was also directed the 1st respondent to file a report on this date.

3. When the matter is taken today, the learned Government Pleader submitted that Ms. Varsha, the detinue left her parental home and at present residing in a hostel namely, SCJM, Edappally and as directed by this Court, her statement was recorded through Smt. S.N.Sheela, WASI of Police, Mulanthuruthy and the learned Government Pleader handover copy of the statement.

4. The learned counsel appearing for the petitioner

also submitted that Ms. Varsha escaped from the house of respondents 3 and 4 and thereafter, appeared before the Circle Inspector of Police, Piravom and accordingly, her statement was recorded.

5. The said detainee appeared before us in person and thus we have interacted with her. According to her, all the allegations raised in this writ petition are fully correct and she escaped from the parental home on 22.1.2015 and thereafter, residing in the SCJM Hostel, Edappally. She has also deposed before us that she does not want to go her parental home, but her decision is to continue to stay in the hostel.

6. From the facts stated above, it is crystal clear that at present, Miss. Varsha, the detainee, aged 24 years is not under illegal custody of anybody and as such, no

further orders are warranted in this petition. She is at liberty to go according to her will and pleasure.

Accordingly, this writ petition is closed.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

