

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. 47 of 2015 (S)

PETITIONER(S) :

SHEEBA RETNAGAR, AGED 52 YEARS
W/O.RATNAKARAN P.
SHEEBA BHAVAN(VARATTUMCHIR, EDAPARIYARAOM P.O.
ELANTHUR, KOZHENCHERRY, PATHANAMTHITTA

BY ADV. SRI.N.N.SASI

RESPONDENT(S) :

1. AKHILRAJ, AGED 25 YEARS
S/O.RAJAN, PUTHIYETHU HOUSE, EDAPARIYARAM P.O.
ELANTHUR, KOZHENCHERRY, PATHANAMTHITTA-689643.
2. RAJAN, AGED 60 YEARS,
PUTHIYETHU HOUSE, EDAPARIYARAM P.O., ELANTHUR
KOZHENCHERRY, PATHANAMTHITTA-689643.
3. SUB INSPECTOR OF POLICE
ARANMULA POLICE STATION, ARANMULA, KOZHENCHERRY
PATHANAMTHITTA-689533.
4. DISTRICT POLICE CHIEF
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA P.O.
PATHANAMTHITTA-689645.

R3,R4 BY ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.TOM JOSE PADINJAREKKARA
R1, R2 BY ADV.SRI.M.T.SURESH KUMAR

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

WP(Crl.).No. 47 of 2015 (S)

APPENDIX

EXHIBITS FOR THE PETITIONER :

EXT.P1 : TRUE COPY OF THE COMPLAINT LODGED BEFORE THE S.I. OF
POLICE, ARANMULA, DATED 25.1.2015.

EXHIBITS FOR THE RESPONDENTS :

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(CrI.)No.47 of 2015

Dated this the 2nd day of February, 2015.

J U D G M E N T

Mohanana, J.

The above writ petition is preferred by the mother of one Athira Ratnagar alleging that the said Athira is missing from their residence since 25.1.2015 at 7 p.m. onwards. It is the further case of the petitioner that one Parvathy, who is one of the relatives of the 1st respondent and was also a friend of the daughter of the petitioner, used to travel in the autorickshaw driven by the 1st respondent and while so, on 25.1.2015 at about 7 p.m., the daughter of the petitioner, namely Athira Ratnagar was forcibly taken by the 1st respondent with the knowledge of the 2nd respondent. Thus, according to the petitioner, thereafter the daughter of the petitioner is under the illegal custody of respondents 1 and 2. Though the brother of the petitioner filed a complaint before the police as evident by Ext.P1 on 25.1.2015, the

police has not taken any effective steps to trace out the detainee and therefore she preferred the above writ petition praying inter alia to issue a writ of habeas corpus to the 3rd and 4th respondents to produce the body of the detainee, Athira Ratnagar, the daughter of the petitioner before this Court.

2. When the above writ petition came up for consideration, by order dated 28.1.2015, while admitting the same and issuing notice to respondents 1 and 2, they were directed to produce Miss.Athira Ratnagar before this Court on this date.

3. Thus when the matter is taken today, the said Athira Ratnagar, the daughter of the petitioner was produced by the Police before this Court. The petitioner and her husband as well as the 1st respondent are present. We heard the learned counsel for the petitioner as well as the respondents 1 and 2. We have interacted with the said Athira, and also with the petitioner and her husband/the

father of the alleged detainee.

4. As requested by the learned counsel for the petitioner, when we asked the said Athira as to whether she is interested to talk with the petitioner and her father, she agreed for the same and the parties were permitted to talk each other at our Chamber and thereafter the matter is again taken up in the court. We interacted with the detainee again and also with the petitioner and her husband.

5. The detainee submitted before us that she is not under the illegal confinement of anybody and she volunteers to go along with the 1st respondent and that the marriage between the alleged detainee and 1st respondent was solemnised on 26.1.2015 at Gandharva Muttam Temple of Aranmula group at Kotta. She also handed over to us a photocopy of the marriage certificate dated 28.1.2015 issued by the Sub Group Officer, Ilavumthitta Travancore Devaswom Board. The said document shows that the

marriage between the daughter of the petitioner and the 1st respondent was solemnised in the said temple as per the rites and ceremonies prevailing among the Hindu religion between 9.45 and 10.45 a.m. on 26.1.2015. When we interacted, the father of the said Athira/the husband of the petitioner submitted before us that the conduct and character of the 1st respondent is not so good and therefore they are not in a position to approve the marriage between his daughter and the 1st respondent. If the alleged detainee Athira is not prepared to go along with the parents, they have nothing to say and they are not prepared to approve the marriage.

6. Having regard to the facts and circumstances referred above and especially in the light of the stand of the daughter of the petitioner and in view of the facts born out from the records furnished by the detainee that the marriage between the daughter of the petitioner and the 1st respondent is over, we find no reason to proceed with the

proceedings, since the daughter of the petitioner is not under the illegal confinement of anybody. That being the position, no further orders are warranted in terms of the prayer in this writ petition.

In the result, recording the deposition of the daughter of the petitioner that she is not under the illegal confinement of anybody and that she volunteers to go along with the 1st respondent, this writ petition is closed. It is made clear that the alleged detinue Athira Ratnagar, the daughter of the petitioner, is free to go according to her will and desire.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

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//True copy//

P.A.to Judge