

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(Cr1.).No. 48 of 2015 (S)

PETITIONER(S) :

ABDUL HAKEEM, AGED 51 YEARS
S/O.ALIKKANNU, JASIM MANZIL, MOOZHYIL
SAMBRAMAM, VATTATHAMARA P.O., KADAKKAL
KOLLAM DISTRICT.

BY ADVS.SRI.R.SURAJ KUMAR
SRI.SUNIL J.CHAKKALACKAL
SMT.V.BEENA
SMT.V.DEEPA

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIATE
THIRUVANANTHAPURAM-695001.
2. THE DISTRICT POLICE CHIEF
KOLLAM DISTRICT-691001.
3. THE SUB INSPECTOR OF POLICE
KADAKKAL PO., KOLLAM DISTRICT-691001.
4. RIYAS, AGED 27,
RIYAS MANSIL, KOTTOORUTHIL, KUMMIL P.O.
KADAKKAL, KOLLAM DISTRICT-691001.
5. MUSHRIFA BEEVI, AGED 48,
RIYAS MANSIL, KOTTOORUTHIL, KUMMIL P.O.
KADAKKAL, KOLLAM DISTRICT-691001.

R1-R3 BY ADV. SMT.KOCHUMOL KODUVATH (Sr.)
R5-ADV.SRI.S.SREEDEV

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 48 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT P1:TRUE COPY OF THE RELEVANT PAGE OF S.S.L.C. BOOK

EXT P2:TRUE COPY OF THE BIRTH CERTIFICATE DATED 21.05.2007

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(CrI.)No.48 of 2015

Dated this the 5th day of February, 2015.

J U D G M E N T

Mohanana, J.

The petitioner is the father of one Sahna H.R. and he preferred the above writ petition under Article 226 of the Constitution of India stating that his daughter is missing from the early hours of 25.1.2015 onwards and though the matter was informed to the 3rd respondent Sub Inspector of Police, Kadakkal, and a crime was registered as Crime No.104/15, the Police has not conducted any meaningful investigation. It is the further case of the petitioner that on his enquiry, he came to know that the 4th respondent is making illegal attempt to procure the detainee and thus the respondents 4 and 5 instigated one Rincy, who is the classmate of the daughter of the petitioner, to meet the above demand of 4th and 5th respondents. In short, the allegation is that the daughter of the petitioner is under the

illegal and forcible detention of respondents 4 and 5. Therefore, it is prayed to issue a writ of habeas corpus directing the respondents to produce the body of the detenue namely Miss.Sahna H R before this Court.

2. When the above matter came up for admission, by order dated 29.1.2015, this Court while issuing notice to respondents 4 and 5, had directed the said respondents to produce the detenue before this Court on this date. Thus, when the matter is taken today, the learned Government Pleader submitted that the detenue is produced before this Court and it is also submitted that the detenue, along with an advocate appeared before the court of Judicial First Class Magistrate-Kadakkal on 2.2.2015 and after recording the statement of the daughter of the petitioner, she was entrusted with the Child Welfare committee and thereafter she was launched in the Mahila Mandiram, Kaarikode, in Kollam. The learned counsel for the petitioner submitted that the parents are readily available to take the detenue, if

she is ready to go along with them. The learned counsel appearing for the 5th respondent submitted that they have no objection in sending the detainee along with her parents.

3. We interacted with the detainee Miss.Sahna H R, the daughter of the petitioner, and she submitted that at present, she is a +2 student and she is aged 17 years. It is also her submission that, on 25.1.2015, she went to meet one of her friends namely Nidhi at Kulathukuzha and she further submitted that she is not under the illegal confinement of anybody including respondents 4 and 5. She also submitted before us that she wants to go along with her father/the petitioner herein.

4. As the so called detainee herself submitted before us that, she is not under the illegal confinement of anybody and she wants to go along with the petitioner, we find no reason to further proceed in this proceedings and particularly when no orders are warranted in terms of the prayer in this original petition. It is made clear that the

daughter of the petitioner is free to go along with the petitioner.

The writ petition is closed accordingly.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge