

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P. JOSEPH

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(Crl.).No. 49 of 2015 (S)

PETITIONER:

SUDIN THAMPY, AGED 42 YEARS
SON OF M.D. THAMPY, "ANASWARA", T.C. 9/1262/2
C.P. GOPALAPANICKAR LANE, SASTHAMANGALAM P.O.
THIRUVANANTHAPURAM - 695 010.

BY ADVS. SRI. P.B. SAHASRANAMAN
SRI. T.S. HARIKUMAR
SRI. K. JAGADEESH
SRI. RAAJESH S SUBRAMANIAN

RESPONDENTS:

1. THE STATE POLICE CHIEF
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM- 695 001.
2. THE CITY POLICE COMMISSIONER/THE DISTRICT POLICE CHIEF
OFFICE OF THE DISTRICT POLICE CHIEF
THIRUVANANTHAPURAM- 695 001.
3. THE SUB INSPECTOR OF POLICE
MUSEUM POLICE STATION,
THIRUVANANTHAPURAM- 695 001.
4. R.P. CHOWDHURY
HOUSE NO. 399, BANAMALI, BANARJEE ROAD
P.S. THAKURPUKUR, HARIDÉVPUR POST OFFICE
KOLKATA - 700 082. (WITHIN THE LIMITS OF
HARIDÉVPUR POLICE STATION, KOLKATA).

R1 TO R 3 BY ADDL. DIRECTOR GENERAL OF PROSECUTION
SRI. K. I. ABDUL RASHEED

R4 BY ADV. SRI. M. K. DILEEPAN
R4 BY ADV. SRI. T. K. SANKARA MENON

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1: PHOTOSTAT COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE DISTRICT MARRIAGE OFFICER, THAKURPUKUR DISTRICT, DATED 26/09/2007.
- EXT.P2: PHOTOSTAT COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT AND THE RECEIPT DATED 12/01/2015 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT.
- EXT.P3: PHOTOSTAT COPY OF THE FIR NO.41 OF THE MUSEUM POLICE STATION, DATED 12/01/2015.

RESPONDENTS' EXHIBITS:

- EXT.R4(a) TRUE COPY OF THE COMPLAINT FILED BEFORE HARIDDEVPUR POLICDE STATION DATED 31.1.2015.
- EXT.R4(b) TRUE COPY OF THE FIR IN CRIME NO.54/2015 OF HARIDDEVPUR POLICE STATION DATED 4.2.2015.
- EXT.R4(c) AND (C-1) TRUE COPY OF WEDDING INVITATION CARD AND ITS ENGLISH TRANSLATION.
- EXT.R4(d) TRUE COPY OF FOURTH RESPONDENT'S DAUGHTER'S BIRTH CERTIFICATE ISSUED FROM CORPORATION OF KOLKATA.

//TRUE COPY//

AHZ/

**K.T.SANKARAN &
BABU MATHEW P. JOSEPH, JJ.**

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Dated this the 27th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

Petitioner is the husband of Rupa Chowdhury. The petitioner married Rupa Chowdhury on 26.9.2007 and a child was born in that wedlock. The allegation is that Rupa Chowdhury left the matrimonial home without informing the petitioner and she is under the illegal custody of the fourth respondent, who is alleged to be the stepfather of Rupa Chowdhury.

2. Today, the petitioner, Rupa Chowdhury and the fourth respondent are present. We interacted with them. Rupa Chowdhury stated that the fourth respondent is not her stepfather, but her father. This is denied by the petitioner. Rupa Chowdhury stated that she had gone to Calcutta on her own and that she is not under the illegal confinement or detention of the fourth respondent. In fact, the

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petitioner also does not say when we interacted with him that Rupa Chowdhury is under the illegal detention of the fourth respondent. There are disputes between Rupa Chowdhury and the petitioner. Those disputes are to be resolved in the Family Court or elsewhere. We are satisfied that Rupa Chowdhury is a free person and that she is not under the illegal detention of the fourth respondent.

3. Accordingly, the Writ Petition (Criminal) is dismissed.

Rupa Chowdhury stated that the petitioner threatened her with dire consequences if she states anything against the petitioner. Therefore, sufficient police assistance should be provided to Rupa Chowdhury to leave Kerala.

Handover copy of the judgment to all parties.

(K.T.SANKARAN)
Judge

(BABU MATHEW P. JOSEPH)
Judge

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