

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 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(Crl.).No. 54 of 2015 (S)

PETITIONER(S) :

ANOOP T AGED 25 YEARS
S/O.LATE DASAN, THEKKKEPPURAM KURUPPANMARIL HOUSE
POST PERUMUDIYOOR VIA PATTAMBI
PALAKKAD DISTRICT-679 303.

BY ADV. SRI.K.A.MANZOOR ALI

RESPONDENT(S) :

1. THE CIRCLE INSPECTOR OF POLICE
PATTAMBI, PALAKKAD DISTRICT- 679 303.
2. SUB INSPECTOR OF POLICE
PATTAMBI, PALAKKAD DISTRICT-679 303.
3. ACHUDANANDAN, AGED 45 YEARS,
FATHER'S NAME NOT KNOWN, KSEB EMPLOYEE, MANGATT HOUSE
PERUMUDIYOOR POST, PATTAMBI VIA, PALAKKAD
PALAKKAD DISTRICT-679 303.

R1 & 2 BY GOVERNMENT PLEADER SMT. KOCHUMOL KADAVATH
R3 BY ADV. SRI.SANTHEEP ANKARATH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(Crl.).No. 54 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1. TRUE COPY OF THE BIRTH CERTIFICATE DATED 20/1/1997 OF DETENUE

EXT.P1(a). TRUE COPY OF THE AADHAAR CARD OF THE DETENUE

EXT.P1(B). TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER

EXT.P2. TRUE COPY OF THE PHOTOGRAPHS SHOWING THE SOLOMNISATION OF
MARRIAGE.

EXT.P3. TRUE COPY OF THE NOTARIZED AFFIDAVIT SWORN BY THE PETITIONER
AND DETENUE.

RESPONDENT(S) ' EXHIBITS
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NIL.

TRUE COPY

PA TO JUDGE.

acd

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

W.P.(Crl) No. 54 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

V.K.Mohanana,J.

Alleging that one Athira Anand, the daughter of the 3rd respondent is under the illegal confinement of the 3rd respondent, this Writ Petition (Crl) is filed by one Anoop, who claimed that he is the legally wedded husband of the said Athira Anand. According to the petitioner, himself and said Athira Anand attained majority and they were in love and their marriage was solemnized on 28.1.2015 at Narasimhamoorthy Temple, Karukaputhur as per Hindu religious rites, customs and ceremonies in the presence of the friends and relatives of the petitioner. To substantiate such claim, he has produced Ext.P2 photographs along with

this Writ Petition (Crl). It is the further case of the petitioner that the parents of Athira Anand were deadly against the affair between the petitioner and the said Athira Anand and therefore, they did not attend the marriage function. It is the further case of the petitioner that after the marriage and on the date of the marriage itself, they went to the house of the petitioner and about at 6 p.m. on that day, the petitioner received a call from the Pattambi Police Station at the instance of the 2nd respondent and directed them to be present on 29.1.2015 in the morning and accordingly, the petitioner and the detainee were reported in the said Police Station. The parents of the detainee along with some other relatives were also present there. According to the petitioner, the 2nd respondent interfered with the matter and directed that the detainee will be sent along with the 3rd respondent

and thereafter the matter would be amicably settled in his presence. According to the petitioner, himself and the detinue did not consent to the said decision taken by the 2nd respondent and they attempted to convince the 2nd respondent that they are legally married husband and wife. But, later, according to the petitioner, his wife, the detinue was forcefully taken by her parents and relatives from the Police Station on 29.1.2015 and thereafter, she is under the illegal confinement of the 3rd respondent, her father. Hence, it is prayed to issue a writ of Habeas Corpus or other appropriate writ or order directing the respondents 1 and 2 to produce the body of the detinue Mrs. Athira Anand from the illegal custody of the 3rd respondent.

2. When the above writ petition came up for admission, while issuing notice to the 3rd respondent, he

was directed to produced his daughter, namely, Athira Anand, before this Court on this date. Accordingly, when the case is taken, the said Athira Ananad is produced before us. We have interacted with her. We have also heard the learned counsel appearing for the petitioner as well as the 3rd respondent.

3. During our interaction with the detenue, she submitted that the petitioner is a native of her place and she knows him for the last four years. According to her, there was no valid marriage between them. When we show the photographs produced by the petitioner along with the Writ Petition, it is her definite stand that she is residing along with the 3rd respondent in her parental home as per her volition and she is not under the illegal confinement of anybody.

4. As far as this proceedings are concerned, when

the alleged detainee herself submitted before us that she is not under the illegal confinement of anybody and she is residing in her parental home on her decision, there is no further scope to proceed with the enquiry in this case. As the alleged detainee is not under the illegal confinement of anybody, no further orders are warranted in terms of the prayer sought for in this Writ Petition.

Accordingly, the above Writ Petition (Crl) is closed.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

