

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN
&
THE HONOURABLE MR. JUSTICE P.D. RAJAN

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(Crl.).No. 58 of 2015 (S)

PETITIONER:

ARUN V.V., AGED 23 YEARS
S/O. VIKRAMAN, RESIDING AT T.C-31/762
PULIKKAL PUTHUVAL VEEDU, KADAKAMPALLY,
ANAYARA P.O., THIRUVANANTHAPURAM.

BY ADVS. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR

RESPONDENTS:

1. STATE OF KERALA
REP. BY THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF HOME AFFAIRS
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE COMMISSIONER OF POLICE
THIRUVANANTHAPURAM CITY
OFFICE OF THE COMMISSIONER OF POLICE, VAZHUTHACAUD
THIRUVANANTHAPURAM-695014
3. THE CIRCLE INSPECTOR OF POLICE
PETTAH POLICE CIRCLE
OFFICE OF THE CIRCLE INSPECTOR OF POLICE, PETTAH
THIRUVANANTHAPURAM-695024
4. THE SUB INSPECTOR OF POLICE
PETTAH POLICE STATION, PETTAH
THIRUVANANTHAPURAM-695024.
5. JETLIN MATHEW, W/O.MATHEW E.PEREIRA
NOW RESIDING AT T.C-76/567-2 (8/138/627B)
"RABEKA" KADAKAMPALLY, ANAYARA P.O
THIRUVANANTHAPURAM-695 029

R1 TO R4 BY DIRECTOR GENERAL OF PROSECUTION SRI.ASAF ALI
R5 BY ADV. SRI.N.R.SURESH KUMAR

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 PHOTOCOPY OF THE MARRIAGE CERTIFICATE NO.46/2014 DATED
22.03.2014 ISSUED BY THE MARRIAGE OFFICER,
THIRUVANANTHAPURAM.
- EXT.P2 A PHOTOGRAPH OF THE PETITIONER AND AKHILA TAKEN ON THE
DATE OF THEIR MARRIAGE.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

AHZ/

K.T.SANKARAN & P.D.RAJAN, JJ.

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Dated this the 13th day of February, 2015

JUDGMENT

K.T.Sankaran, J.

The case of the petitioner is that he fell in love with the daughter of the fifth respondent and registered their marriage under the Special Marriage Act on 22.3.2014. Even after the registration of the marriage the girl went to her house and at that time it was not disclosed to her parents that the marriage was registered. It is stated that later the parents of the fifth respondent came to know of the marriage and they protested. The Writ Petition is filed alleging that the fifth respondent has illegally detained her daughter, whom the petitioner had married on 22.3.2014.

2. The petitioner, the alleged detinue and the fifth respondent are present. The alleged detinue stated before us that she was cheated and defrauded by the petitioner and there was no marriage as per her consent. She never intends to go with the petitioner and she would like to go with her mother. The petitioner denied these allegations.

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3. The question whether the marriage is valid is to be decided by the Court having jurisdiction. Leaving open the rights of the respective parties to approach the appropriate forum for appropriate reliefs, the Writ Petition (Criminal) is dismissed.

4. The fifth respondent stated that her husband is working abroad and there is constant threat from the side of the petitioner. The fifth respondent stated that the petitioner made a threat that he would take her daughter forcibly. The petitioner denied all the allegations levelled against him. The Sub Inspector of Police, Pettah Police Station (fourth respondent) shall ensure that no threat is caused by the petitioner to the life, liberty and security of the fifth respondent and her daughter.

Handover a copy of the judgment to the learned Government Pleader.

(K.T.SANKARAN)
Judge

(P.D.RAJAN)
Judge

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