

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 MARCH 2015/18TH PHALGUNA, 1936

WP(Crl.).No. 59 of 2015 (S)  
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PETITIONER(S) :  
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P.K.KUNJUMON AGED 55 YEARS  
S/O.KUTTAPPAN, PERUMBRAYIL HOUSE, KIZHAKKEKADUNGLALOOR  
ALUVA, ERNAKULAM, PIN 683 102

BY ADVS.SRI.PRASUN.S  
SRI.PAUL MATHEW (PERUMPILLIL)  
SRI.P.V.SREENIJIN  
SMT.K.B.SONY

RESPONDENT(S) :  
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1. STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. SUPERITENDANT OF POLICE (RURAL)  
ALUVA, ERNAKULAM, KERALA  
PIN 683 101.
3. DEPUTY SUPERINTENDANT OF POLICE (RURAL)  
ALUVA, ERNAKULAM, KERALA  
PIN 683 101.
4. CIRCLE INSPECTOR OF POLICE  
ALUVA, ERNAKULAM, KERALA  
PIN 683 101.
5. SUB-INSPECTOR OF POLICE  
BINANIPURAM POLICE STATION, ERNAKULAM.
6. MURALI @ SARATH  
AGE NOT KNOWN TO THE PETITIONER, FLAT NO.10  
REEHA APARTMENTS, MAMPILLIPPARAMBU ROAD, EDAPPALLY  
KOCHI-24
7. ANAND  
AGE NOT KNOWN TO THE PETITIONER, FLAT NO.10  
REEHA APARTMENTS, MAMPILLIPPARAMBU ROAD, EDAPPALLY  
KOCHI-24.
8. SUJATHA  
AGE NOT KNOWN TO THE PETITIONER, FLAT NO.10  
REEHA APARTMENTS, MAMPILLIPPARAMBU ROAD, EDAPPALLY  
KOCHI-24.

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R1-R5 BY ADV. SRI. P.S. ABDUL KAREEM- GOVERNMENT PLEADER  
R6-R8 BY ADV. SRI.C.KHALID  
R6-R8 BY ADV. SRI.K.P.MOHAMED SHAFI  
R6-R8 BY ADV. SMT.P.VANDANA  
R6-R8 BY ADV. SRI.PHIJO PRADEESH PHILIP  
R6-R8 BY ADV. SRI.K.REEHA KHADER  
R6-R8 BY ADV. SMT.K.K.NESNA

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD  
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

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ET.P1 - TRUE PHOTO COPY OF THE PETITION DATED 03-02-2015 PREFERRED  
BEFORE THE 2ND RESPONDENT BY THE PETITIONER

EXT.P2 - TRUE PHOTO COPY OF THE POSTAL RECEIPT DATED 03-02-2015  
ISSUED WITH RESPECT TO THE 3RD RESPONDENT.

EXT.P3 - TRUE PHOTO COPY OF THE POSTAL RECEIPT DATED 03-02-2015  
ISSUED WITH RESPECT TO THE 4TH RESPONDENT.

EXT.P4 - TRUE PHOTO COPY OF THE POSTAL RECEIPT DATED 03-02-2015  
ISSUED WITH RESPECT TO THE 5TH RESPONDENT

RESPONDENT(S) ' EXHIBITS

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NIL.

TRUE COPY

PA TO JUDGE.

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

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W.P.(Crl) No. 59 of 2015  
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Dated this the 9<sup>th</sup> day of March, 2015

**JUDGMENT**

**V.K.Mohanana,J.**

In terms of our order dated 11.2.2015, the detenu as well as the petitioner and the 7<sup>th</sup> respondent are appeared before us. The learned counsel appearing for the 7<sup>th</sup> respondent handover a copy of the Marriage Certificate dated 7.3.2015 issued from the Marriage Officer, Thrikkakara to the learned counsel appearing for the petitioner, attested by the 7<sup>th</sup> respondent. As observed in our order dated 11.2.2015, the marriage between the 7<sup>th</sup> respondent and the daughter of the petitioner was registered on 7.3.2015, which is now proved and supported by the Marriage Certificate produced. If that be so, it can be

seen that the daughter of the petitioner is not under the illegal confinement of anybody and she is the legally wedded wife of the 7<sup>th</sup> respondent. Read earlier order dated 11.2.2015 as part of this judgment.

As the daughter of the petitioner is not under the illegal confinement of anybody, no further orders are warranted in this petition and accordingly, the same is closed.

**V.K. MOHANAN, JUDGE.**

**P.D. RAJAN, JUDGE.**

acd

**ORDER****V.K.Mohanan,J.**

The petitioner, who is the father of one Priya Mary Sebastian, preferred the above writ petition alleging that his daughter is under the illegal confinement of respondents 6 to 8, after her missing from his house, on 30.1.2015. Therefore, it is prayed to issue a writ of Habeas Corpus or any other order or direction commanding respondents 2 to 8 to produce the detainee Priya Mary Sebastian, before this Court.

2. When the above writ petition came up for admission, while issuing notice to R6 to 8, vide order dated

4.2.2015, we directed them to produce the daughter of the petitioner, namely, Priya Mary Sebastian before this Court on this date.

3. Accordingly, when the case is taken today, the daughter of the petitioner, appeared before us along with respondents 6 to 8. We interacted with her. We have also interacted with the petitioner and his wife, who are the parents of the detainee. We heard the learned Government Pleader and the learned counsel appearing for the petitioner as well as the learned counsel appearing for respondents 6 to 8.

4. During our interaction with Priya Mary Sebastian, she submitted before us that she has already crossed the aged of 24 years and she is a B.Tech Engineering graduate. According to her, herself and 7<sup>th</sup> respondent were in love and she volunteered to go along

with the 7<sup>th</sup> respondent and thereafter, the marriage was conducted in Aryasamajam at Vaikkom on 3.2.2015 and thereafter, for the purpose of registering their marriage, a joint application was made by them on 30.1.2015 before the Registrar of Marriage, Thrikkakara. It is also submitted by her that they have registered their marriage in Udayanapuram Grama Panchayat and to substantiate the above fact, she has produced Certificate No.720/2015 dated 3.2.2015 issued by the Local Registrar of Udayanapuram Grama Panchayat. So, according to the detinue, now she is a legally married wife of the 7<sup>th</sup> respondent and she also wants to go along with him.

5. When we interacted with the petitioner and his wife, they submitted before us that after missing of their daughter from their house on 30.1.2015, there was no contact with her and though the 6<sup>th</sup> respondent assured to

produce the detenue before him, she was not produced before him and subsequently it is learnt that the detenue was produced in Court at Palakkad. The parents of the so called detenue expressed their anguish and apprehension that without a valid marriage, it will not be proper to send the girl along with the 7<sup>th</sup> respondent. So, they insisted for producing any valid document to prove the marriage between their daughter and the 7<sup>th</sup> respondent.

6. In the light of the apprehension expressed by the petitioner and his wife, we are of the view that further consideration of the writ petition can be adjourned to a date after one month from the date of the notice allegedly issued on 30.01.2015. So that the 7<sup>th</sup> respondent and the detenue can produce the marriage certificate, if any, on the basis of the Registration of the marriage under the provisions of the Special Marriage Act,

before this Court.

Accordingly, hearing of the writ petition is adjourned to 9.3.2015 and in the meanwhile, the daughter of the petitioner is free to go according to her wish and decision. The 7<sup>th</sup> respondent is directed to produce the marriage certificate, if any, before this Court with copy to the petitioner, before 9.3.2015. The detinue and the 7<sup>th</sup> respondent as well as the petitioner, are directed to appear before this court on 9.3.2015.

**V.K. MOHANAN, JUDGE.**

**P.D. RAJAN, JUDGE.**

acd



