

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(Cr1.).No. 66 of 2015 (S)

PETITIONER(S) :

ANEESH B.K. AGED 27 YEARS
S/O.NARAYANAN, ANUGRAHA NIVAS, THAYACHOVVA
KANNUR DISTRICT.

BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM
PIN-695001.
2. STATION HOUSE OFFICER
HOSDURG POLICE STATION, KASARAGOD DISTRICT
PIN-671001.
3. CIRCLE INSPECTOR OF POLICE
HOSDURG POLICE STATION, KASARAGOD DISTRICT
PIN-671001.
4. DISTRICT POLICE CHIEF
KASARAGOD DISTRICT-671001.
5. GANGADHARAN
GREESHMA NIVAS, MUTHAPPANARKAVU, AINGOTH
KANHANGAD SOUTH P.O., KASARAGOD DISTRICT-671001.

R1-R4 BY ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.K.I.ABDUL RASHEED

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

V.K.MOHANAN & A.V.RAMAKRISHNA PILLAI, JJ.

W.P.(CrI.)No.66 of 2015

Dated this the 19th day of February, 2015.

J U D G M E N T

Mohanana, J.

The petitioner claiming that he is the lover of one Reshma Gangadharan, who is the daughter of the 5th respondent, preferred this writ petition under Article 226 of the Constitution of India alleging that she is under the illegal confinement of 5th respondent, who is none other than the father of the alleged detainee. It is alleged that the petitioner and the said Reshma Gangadharan were in love for the last 7 years and they have decided to live together. According to the petitioner, the said Reshma Gangadharan is working as a Clerk in a company based in Dubai and though he requested the parents of the detainee to arrange marriage between the petitioner and the alleged detainee, they were not willing for the same. Therefore, according to the petitioner, himself and the said Reshma

Gangadharan had decided to get married against the will of their parents and thereafter the petitioner sent an air-ticket to the alleged detainee to fly down to Mangalore. It is the further case of the petitioner that on 8.2.2015, when himself and his friends went to Mangalore Air Port, as agreed, to pick the alleged detainee who had come down from Dubai, the parents of the detainee with the assistance of some gundas, forcibly taken away her against her wish and the petitioner was unable to contact her and it is further alleged that the said Reshma Gangadharan is under the illegal confinement of 5th respondent. According to the petitioner, he approached respondents 2 and 3, but no effective steps had been taken by them and therefore he was forced to approach this Court by filing this writ petition and it is prayed to issue a writ of habeas corpus or any other appropriate writ, order or direction directing respondents 2 to 5 to produce the detainee Reshma Gangadharan, before this Court and set her at liberty.

2. When the above writ petition came up for admission, by order dated 11.2.2015, while issuing notice to the 5th respondent, he was directed to produce the detenue before this Court on this date.

3. Thus, when the matter is taken up today, the learned Additional Director General of Prosecution Sri.K.I.Abdul Rasheed submitted that the girl is produced before this Court. Thus we have interacted with the said Reshma Gangadharan, the daughter of the 5th respondent. We heard the learned counsel for the petitioner and also heard the learned ADGP.

4. During our interaction with the said Reshma Gangadharan, she submitted that she is now aged 23 years and she is a B.Tech holder and to a query as to whether she is under the illegal confinement of anybody including the 5th respondent, she answered negatively and she submitted that she was in love with the petitioner and at present she has no affair with the petitioner and she wants to go along with her father, the 5th respondent. Since the

alleged detainee herself submitted before us that she is not under the illegal confinement of anybody, we find no reason to proceed further in this proceedings and no orders are warranted in terms of the prayer sought in this writ petition.

Recording the submission made by the so called detainee Reshma Gangadharan, this writ petition is closed.

Sd/-

V.K.MOHANAN, Judge

Sd/-

A.V.RAMAKRISHNA PILLAI, Judge

ami/

//True copy//

P.A.to Judge