

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. 68 of 2015 (S)

PETITIONER(S)/PETITIONER:

ARAVIND L.S. AGED 30 YEARS
S/O.SUNDARAN NADAR, L S BHAVAN, POTTAKUZHI
PLAMOOTTUKADA P O, THIRUVANANTHAPURAM-695122

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT(S)/RESPONDENTS:

1. THE STATE POLICE CHIEF
THIRUVANANTHAPURAM-695010.
2. THE COMMISSIONER OF POLICE
THIRUVANANTHAPURAM-695014.
3. THE SUB INSPECTOR OF POLICE
KARAMANA, THIRUVANANTHAPURAM-695002.
4. LATHIKA KUMARI
VANISREE, T C 21/994-1, NEDUMCADU
KARAMANA P O, THIRUVANANTHAPURAM-695002.
5. ANOOP
VANISREE, T C 21/994-1, NEDUMCADU
KARAMANA P O, THIRUVANANTHAPURAM-695002.

R4,R5 BY ADV. SRI.B.S.SWATHY KUMAR
R4,R5 BY ADV. SRI.A.K.RAJESH
R4,R5 BY ADV. SRI.VENKATESH GOPI
R1-R3 BY GOVERNMENT PLEADER SMT.KOCHUMOL KODUVATH

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

WP(Crl.).No. 68 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE TEMPLE
SECRETARY, VAIKAI KALI AMMAN COIL, MATHOOR, KANYAKUMARI DIST.

P2:-TRUE COPY OF THE COMPLAINT DTD 10/2/2015 SUBMITTED BY THE
PETITIONER.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(CrI.)No.68 of 2015

Dated this the 19th day of February, 2015.

J U D G M E N T

Mohanana, J.

This writ petition is filed by the petitioner alleging that one Reshma Chandran, who is the daughter of the 4th respondent, is under the illegal confinement of respondents 4 and 5, since they are against the affair between the petitioner and the said Reshma Chandran. According to the petitioner, he had studied BHMS Course at White Memorial Homoeo Medical College, Attoor, Kanyakumari District, Tamilnadu and after completing and passing the course, he got appointed as Medical Officer in the same college. It is the further case of the petitioner that, while he was studying in that college, the petitioner got acquainted with the alleged detinue Reshma Chandran, who was a student of the very same college and at present she is studying final year BHMS Course. According to the petitioner, the

acquaintance between them became intimate to each other and they fell in love. However, the petitioner belongs to Hindu Nadar community and the alleged detainee belongs to Nair caste. It is the further case of the petitioner that when the 4th and 5th respondents came to know about the affair between the petitioner and the said Reshma Chandran, they raised objection against the marriage with the petitioner and ignoring their objection, the petitioner and the alleged detainee married at Vaikai Kali Amman Coil, Mathoor, Kanyakumari District, on 6.2.2015. To substantiate the above claim Ext.P1 is produced. According to the petitioner, after the marriage, the alleged detainee Reshma Chandran informed her mother about the marriage and thereafter his wife was put under illegal confinement of respondents 4 and 5 and they took her to some unknown place. So, he was forced to file Ext.P2 petition before the 3rd respondent, but no action was taken and therefore he preferred the above writ petition with a prayer to issue a writ of habeas corpus commanding the respondents to

produce the body of Reshma Chandran (the detinue) before this Court and set her free along with the petitioner.

2. In pursuance of the order dated 13.2.2015, whereby this Court directed respondents 4 and 5 to appear in person before this Court and produce the alleged detinue Reshma Chandran, she is produced before us today. We have interacted with the alleged detinue Reshma Chandran and heard both the learned counsel for the petitioner and the respondents 4 and 5.

3. During our interaction with the detinue, she submitted before us that she knows the petitioner only as her senior student and she has also submitted that she is not under the illegal confinement of anybody including respondents 4 and 5. In a proceedings where the allegation is that the so called detinue is under the illegal confinement of somebody, the question to be ascertained is whether such allegation is correct or not. In the present case, the detinue herself appeared before us and deposed that she is not under the illegal confinement of anybody. If

that be so, no further orders are warranted in terms of the relief sought for in this writ petition.

In the result, we find no merit in this original petition and accordingly the same is closed, in the light of the deposition made by the daughter of the 4th respondent Reshma Chandran.

Sd/-
V.K.MOHANAN, Judge

Sd/-
A.V.RAMAKRISHNA PILLAI, Judge

ami/

//True copy//

P.A.to Judge