

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(Crl.).No.73 of 2015 (S)

PETITIONER :

SALIM, AGED 45 YEARS, S/O.LATE ANTHONY,
THATTATHIL PUTHEN VEETIL, KANCHUKODU,
KURAMBALA SOUTH P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS :

1. STATE POLICE CHIEF/DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM – 695001.
2. THE DISTRICT POLICE CHIEF,
ALAPPUZHA – 688 001.
3. THE STATION HOUSE OFFICER,
NOORANADU POLICE STATION, ALAPPUZHA DIST 688 001.
4. AJEESH, AGED 25 YEARS,
S/O.KUNJUMON, AJEESH BHAVANAM, NACHINGAL VEEDU,
PAZHAKULAM P.O., ADOOR, PATHANAMTHITTA – 689 652.

PUBLIC PROSECUTOR SRI.ABDUL KARIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 73 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS :-

P1- A TRUE COPY OF THE F.I.R IN CRIME NO.104/2015 OF NOORANADU POLICE
STATION.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

P.N.RAVINDRAN & ANIL K.NARENDRAN, JJ.

W.P.(Crl.)No.73 of 2015

Dated this the 25th day of March, 2015

JUDGMENT

Anil K.Narendran, J.

The petitioner has approached this Court in this writ petition seeking a writ of habeas corpus commanding the respondents to produce his minor daughter Miss.Shehanas aged 17 years before this Court and set her at liberty. It is alleged in the writ petition that the said Shehanas is under the illegal detention of the fourth respondent with effect from 3.2.2015 onwards. It is also alleged that, though on the basis of a statement given by the petitioner the 3rd respondent has registered Crime No.104 of 2015 alleging commission of the offence punishable under section 363 IPC against the 4th respondent, no action was taken to trace out the petitioner's minor daughter.

2. By order dated 18.2.2015 this Court issued notice by special messenger to the 4th respondent, who was directed to produce the petitioner's daughter before this Court on 25.2.2015 and respondents 1 to 3 were directed to see that the aforesaid direction is complied with by the 4th respondent.

3. On 25.2.2015 the learned Government Pleader reported that, on the basis of the crime registered, the petitioner's minor daughter was traced out on 22.2.2015 from Ayavana near to Muvattupuzha and was produced before the Child Welfare Committee at Alappuzha and thereafter she was lodged in Mahila Mandiram at Alappuza. The fourth respondent, who is the accused in Crime No.104 of 2015 is under custody and he has not been released on bail, so far, it is submitted. The learned Government Pleader also submitted that the section 363 IPC mentioned in Ext.P1 F.I.R. has already been altered into, section 376 IPC as well as sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

4. By order dated 25.2.2015 this Court directed the third respondent to produce the alleged detainee, who is the victim in Crime No.104 of 2015 before the jurisdictional Magistrate and thereafter produce her before this Court on 25.3.2015.

5. Pursuant to that order, the detainee was produced before this Court today. We interacted with the detainee, who expressed her desire to go along with her parents.

In such circumstances, taking note of the fact that a crime has already been registered against the fourth respondent under section 376 IPC as well as sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and the detenue who is still a minor has expressed her desire to go along with her parents, this writ petition is closed.

P.N.RAVINDRAN, JUDGE

ANIL K.NARENDRA, JUDGE

skj