

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(Crl.).No. 81 of 2015 (S)

PETITIONER:

**ABITH ABDUL KARIM
AGED 29, SON OF KARIM, RESIDING AT VALLAPILLIL HOUSE
KUTTIKATTUKARA P.O., ERNAKULAM, PIN - 683 504.**

**BY ADVS.SRI.GEO PAUL
SRI.SANU MATHEW
SRI.RADHIKA RAJASEKHARAN P.
SRI.C.R.PRAMOD
SRI.S.ASHOK KUMAR.
SRI.LENIN P. SUKUMARAN
SRI.K.S.SREENATH
SRI.JERRY VARGHESE**

RESPONDENTS:-

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE STATION HOUSE OFFICER,
KOLLAM EAST POLICE STATION, PIN - 691 001.**
- 3. THE SUPERINTENDENT OF POLICE,
KOLLAM, PIN - 691 001.**
- 4. M.K. NAZAR,
SALAMATH, KLRA 22A, JAWAN JUNCTION
MUNDAKKAL, KOLLAM - 691 001.**
- 5. BEENA NAZAR,
WIFE OF M.K.NAZAR, SALAMATH, KLRA 22A
JAWAN JUNCTION, MUNDAKKAL, KOLLAM - 691 001.**
- 6. AJIN,
S/O.NAZAR, 'SALAMATH', 12 MUNDAKKAL
KOLLAM, PIN - 691 001.**

7. SHEREEF,
KORATTIYADU HOUSE, KLRA 21, JAWAN JUNCTION
KOLLAM - 691 001.
8. SAUDHA SADIQ,
SHAHANA NIVAS, JAWAN JUNCTION,
MUNDAKKAL, KOLLAM - 691 001.
- * 9. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.
- *10. THE REGIONAL PASSPORT OFFICER,
PETTAH P.O., THIRUVANANTHAPURAM.

*[ADDL. RESPONDENTS 9 & 10 ARE IMPEADED AS PER ORDER DATED 05-03-2015 IN I.A. No.3016/2015 IN WP (CRL) No.81/2015]

R1-R3 BY ADV. ADDL.DGP SRI. TOM JOSE PADINJAREKARA
R4 & R5 BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
R6 BY ADV. SRI.PRASAD CHANDRAN
R8 BY ADV. SRI.V.G.ARUN
R8 BY ADV. SRI.T.R.HARIKUMAR
RADDL-RR9 & 10 BY ADV. SRI.N.NAGARESH, ASG

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. THE TRUE COPY OF THE ELECTORAL ID CARD OF THE DETENUE.
- EXHIBIT P2. THE TRUEU COPY OF THE RECEIPT OF INTENDED MARRIAGE.
- EXHIBIT P3. PHOTOGRAPHS OF DETENUE WITH THE PETITIONER'S FAMILY MEMBERS.
- EXHIBIT P4. TRUE COPY OF THE BILL DATED 30.08.14.
- EXHIBIT P5. PHOTOGRAPHS OF RING CEREMONY.
- EXHIBIT P6. TRUE COPY OF THE BILL DATED 13.10.2014.
- EXHIBIT P7. TRUE COPY OF THE RECEIPT OF COURIER.
- EXHIBIT P8. TRUE COPY OF THE PRINT OUTS OF MOBILE SMS BETWEEN THE PETITIONER AND DETENUE.
- EXHIBIT P9. TRUE COPY OF THE PRINT OUTS OF MESSAGES SENT BY THE DETENUE TO THE PETITIONER.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

W.P (Crl.) No. 81 OF 2015

DATED THIS THE 29th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

This writ petition is filed raising allegation that the daughter of respondents 4 & 5 Miss. Ajina Nazar is being illegally confined by the 4th respondent at Saudi Arabia, where the 4th respondent is working. It is stated that the petitioner is in love with Miss. Ajina Nazar and their marriage was scheduled to be conducted on 29-03-2015. But before that date she was removed from her house in a deceitful and fraudulent manner and was taken to Saudi Arabia and is being wrongfully confined. The petitioner had approached this court on an earlier occasion by filing W.P (Crl) No.249/2014. It was after intervention of the well wishers that a settlement was arrived through which respondents 4 & 5 have consented for the marriage. It is also mentioned that the petitioner had given notice of intimation of the marriage under the Special Marriage Act,

as per Ext.P2, on 22-02-2014. Further it is mentioned that the alleged detainee was removed from station after conducting a customary function of pre-nuptial ceremonies prevalent in the community. This writ petition is filed on the allegation that at present the alleged detainee, Miss. Ajina Nazar is being illegally confined at Saudi Arabia.

2. Pursuant to various steps taken by this court through the Indian Embassy at Saudi Arabia, respondents 4 and 5 entered appearance through counsel and produced the alleged detainee, Miss. Ajina Nazar before this court on 04-06-2015. When we interacted with the alleged detainee and her mother (the 5th respondent), who were personally present on that day, the alleged detainee said that she is intending to marry the petitioner. But at the same time she said that she is not under any illegal confinement of respondents 4 & 5, as alleged. She expressed her opinion that she may require more time to convince her parents to persuade them for agreeing to the marriage with the petitioner. However, she expressed her willingness to go

along with the 5th respondent for the time being. On that basis the case was adjourned to today.

3. Today the petitioner, the alleged detainee, and the 5th respondent are personally present before this court. We heard counsel appearing on both sides. We interacted with the alleged detainee, Miss. Ajina Nazar. She said that she had contacted her father who is working in Saudi Arabia over telephone and it was agreed that the proposal for marriage with the petitioner will be considered later, after pursuing her studies. The alleged detainee submitted that for the time being she do not want to leave her parents and the family. But at the same time she is having a hope that she can convince them to have a marriage with the petitioner herein.

4. Since the alleged detainee expressed her desire to go along with the 5th respondent and to stay with her in the parental house and since she had categorically expressed the view that she is not under any illegal confinement, we are of the opinion that there is no circumstances warranting

interference of this court for issuing any writ of Habeas Corpus.

5. Hence this writ petition is disposed of by granting liberty to the alleged detainee to go along with the 5th respondent.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge