

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(Cr1.).No. 86 of 2015 (S)

PETITIONER(S) :

SULFATH, AGED 33 YEARS
W/O. FAIZAL , H.NO.7/896, DARUSELEM ROAD
MATTANCHERRY, ERNAKULAM DISTRICT-682001

BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH

RESPONDENT(S) :

1. COMMISSIONER OF POLICE,
ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE
MATTANCHERY POLICE STATION, MATTANCHERRY-682002.
3. HUSSAIN,
S/O. IBRAHIM BAVA, AGE NOT KNOWN, SHARON TRAVEL,
MAK MEMMIORIAL BUS STOP, CANAL ROAD, THRIKAKKARA
KAKKANAD, ERNAKULAM DISTRICT-682030.
4. ASHRAF, S/O. IBRAHIM BAVA,
AGE NOT KNOWN, SHARON TRAVEL, MAK MEMMORIAL BUS STOP
CANAL ROAD, THRIKAKKARA, KAKKANAD
ERNAKULAM DISTRICT-682030.

R1-R2 BY PUBLIC PROSECUTOR SRI.ABDUL KAREEM
R3 & 4 BY ADV. SRI.K.T.SAJU

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

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 : A TRUE PHOTOCOPY OF THE MARRIATE CERTIFICATE DATED 13.1.2015 ISSUED BY THE KAIKKARS OF THE KOCHANGADI JAMA-ATH MOSQUE, CHEMBITTAPALLI, KOCHANGADI, KOCHI 682002.

EXHIBIT P2 : A TRUE PHOTOCOPY OF THE COMPLAINT 9.2.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1st AND 2nd RESPONDENTS.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(CrI.)No.86 of 2015

Dated this the 3rd day of March, 2015.

J U D G M E N T

Mohanana, J.

The wife of one Faisal preferred the above writ petition under Article 226 of the Constitution of India alleging that though their marriage was solemnised on 26.1.2003 in accordance with the Muslim religious rites and customs, the respondents 3 and 4, who are the brothers of the said Faisal, kept him under the illegal custody and though the petitioner tried to contact her husband, she was not permitted and therefore in the above writ petition, it is prayed to issue a writ of habeas corpus or other appropriate writ, order or direction commanding respondents 1 and 2 to produce the body of "Faisal" from the illegal custody of respondents 3 and 4 before this Court.

2. When the above writ petition came up for admission, vide order dated 25.2.2015, while issuing notice

to respondents 3 and 4, they were directed to produce the detenue before this Court on this date. Thus when the matter is taken today in the morning session, the petitioner as well as her husband-the alleged detenue are present. We have interacted with them. We have also heard the learned counsel appearing for the petitioner as well as respondents 3 and 4.

3. As a result of our interaction with the petitioner as well as the detenue - the husband of the petitioner, we felt that the difference of opinion among the couple are very slight and the same can be settled if the parties sit together in the presence of trained mediators. Accordingly, today, as per our order, the parties are referred for mediation before the Kerala Mediation Center.

4. After the lunch session, the matter was again taken and both the counsel submitted that the entire matter has been settled. The petitioner as well as her husband - Faisal are also present. They have also admitted that the entire dispute has been settled.

5. The Mediator, Kerala Mediation Center, submitted her report which includes the memorandum of agreement under section 89 of CPC r/w Rules 24 and 25 of the Kerala Civil Procedure (Mediation), Rules, 2008. We have perused the terms and conditions and the settlement which are duly signed by the petitioner and her husband and respondents 3 and 4, and which are counter signed by the learned counsel appearing for the petitioner and respondents 3 and 4. We are satisfied with the said terms and conditions. The above referred memorandum of agreement forms part of this judgment. As the matter is settled as per the above referred agreement, no further orders are warranted and accordingly this writ petition is disposed of in terms of the above settlement.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge