

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(Crl.).No. 89 of 2015 (S)

PETITIONER(S):

MANOJ MOHAN, AGED 32 YEARS
S/O.MOHAN, THEKKEDATHU VEEDU, PANACHIKKAVU P.O.
CHANGANACHERRY, KOTTAYAM DIST, PIN - 686 102.

BY ADVS.SRI.S.SAJU
SRI.P.M.SHAMEER

RESPONDENT(S):

1. STATE OF KERALA
REP. BY THE HOME SECRETARY TO GOVERNMENT
GOVT.SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE DISTRICT SUPERINTENDENT OF POLICE
KOTTAYAM DISTRICT .
3. THE SUB INSPECTOR OF POLICE
CHANGANACHERRY POLICE STATION, CHANGANACHERRY.
4. PRASAD N.R.
"KRUPA", PERUNNA P.O., CHANGANACHERRY
KOTTAYAM DISTRICT - 686 102.
5. GEETHA R.PRASAD
"KRUPA", PERUNNA P.O., CHANGANACHERRY
KOTTAYAM DISTRICT - 686 102.

R1 -R 3 BY GOVERNMENT PLEADER SRI.P.A.ABDUL KAREEM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE TRUE COPY OF THE IDENTITY CARD ISSUED BY THE MACTA ART DIRECTORS UNION TO THE PETITIONER
- EXT.P-2: TRUE COPY OF THE RELEVANT NEWS REPORT REGARDING THE MEXICO INTERNATIONAL FILM AWARD PUBLISHED IN THE MATHRUBHUMI DAILY DT.3.10.15
- EXT.P-3: TRUE COPY OF THE NOTICE OF INTENDED MARRIAGE SUBMITTED BY THE PETITIONER ALONG WITH THE SAID MISS. KEERTHI R.PRASAD TO THE MARRIAGE OFFICER, CHANGANACHERRY DATED 25.2.2015
- EXT.P-4: TRUE COPY OF THE POSTAL RECEIPT WITH MONEY ORDER SLIP DATED 25.2.2015
- EXT.P-5: TRUE COPY OF THE RELEVANT PAGE OF SSLC CERTIFICATE OF THE PETITIONER ISSUED BY THE GENERAL EDUCATION DEPARTMENT.
- EXT.P-6: TRUE COPY OF THE RELEVANT PAGE OF SSLC CERTIFICATE OF MISS. KEERTHI R.PRASAD ISSUED BY THE GENERAL EDUCATION DEPARTMENT
- EXT.P-7: TRUE COPY OF THE IDENTITY CARD ISSUED BY THE ELECTION COMMISSION OF INDIA TO MISS. KEERTHI R.PRASAD
- EXT.P-8: TRUE COPY OF THE LETTER DATED NIL WRITTEN BY THE DETENUE MISS.KEERTHI R.PRASAD TO THE PETITIONER
- EXT.P-9: PHOTOGRAPHS OF THE PETITIONER ALONG WITH HIS FIANCEE MISS. KEERTHI R.PRASAD.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

VPS

PS TO JUDGE

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

W.P.(CrI.) No.89 of 2015

Dated this the 30th day of March, 2015

J U D G M E N T

P.N.Ravindran, J.

The prayer in this writ petition is for a writ of habeas corpus commanding the respondents to produce the body of Miss.Keerthi R.Prasad in this Court and to set her at liberty forthwith. It is stated that the detinue is in the illegal custody of her parents, who are respondents 4 and 5 herein. The petitioner has averred that he and the detinue has given notice of their intended marriage under section 5 of the Special Marriage Act, 1954 before the Marriage Officer, Changanacherry.

2. When this writ petition came up for hearing on 9.3.2015, this Court directed that until the notice period of 30 days prescribed under section 5 of the Special Marriage Act, 1954 expires, the alleged detinue should reside in a Women's hostel run by Changanacherry Municipality. Such an order was passed in order to enable the alleged detinue to appear for the final degree examination. By that order this Court also permitted the petitioner to take the detinue for the purpose of registering the marriage pursuant to Ext.P3 notice. This

Court also directed the petitioner to produce the marriage certificate, if any, after the marriage between the petitioner and the alleged detainee in this Court today. The Sub Inspector of Police, Changanacherry was also directed to produce the detainee in this Court today.

3. When the writ petition was called on for hearing today, the petitioner and the alleged detainee were present. They stated that the marriage between them could not be solemnised and registered under the Special Marriage Act for the reason that the fee paid on the application was insufficient and that the defect was cured only on 11.3.2015. They also submitted that as the notice of marriage was defective, their marriage was solemnised at Porunнанarkavu Devi Temple and the marriage was also registered under the Kerala Registration of Marriages (Common) Rules, 2008, in Nedumpuram Grama Panchayat within whose local limits the marriage was solemnised. They also made available to us for perusal a copy of the marriage certificate dated 27.3.2015 issued by the Secretary of Manippuzha-Porunнанarkavu Devaswom and the same is incorporated in the records. Since the marriage between the parties has been solemnised though not under the Special Marriage Act and as the alleged detainee submitted before us that she would like to go with the

petitioner, we are of the opinion that no further orders are called for in this writ petition except to permit the detinue to go with the petitioner.

We accordingly dispose of the writ petition by permitting the alleged detinue to go with the petitioner. The Sub Inspector of Police Changanacherry, who is present today, shall afford adequate police protection to the alleged detinue to go with the petitioner to the petitioner's residence.

**P.N.RAVINDRAN,
(JUDGE)**

**ANIL K.NARENDRA,
(JUDGE)**

vps