

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 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(Crl.).No. 98 of 2015 (S)

PETITIONER(S):

**SHERAHAN SHAJAHAN, AGED 26 YEARS
S/O.SHAJAHAN, PALAVILA VEEDU, PANDAKASALA
CHIRAYINKEEZHU, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.B.MOHANLAL
SRI.B.N.HASKAR**

RESPONDENT(S):

- 1. THE STATE POLICE CHIEF,
POLICE HEADQUARTERS, VAZHUTHACAUD PO
THIRUVANANTHAPURAM, PIN-695 014.**
- 2. THE CITY POLICE COMMISSIONER,
KOLLAM CITY, KOLLAM-691 001.**
- 3. THE CIRCLE INSPECTOR OF POLICE, KOLLAM WEST,
KACHERRY PO, KOLLAM-691 013**
- 4. THE SUB INSPECTOR OF POLICE,
KOLLAM WEST POLICE STATION, CUTCHERY PO
KOLLAM-691 013**
- 5. SRI.SHAJAHAN,
S/O.SHAHUL HAMEED, SHARAN NIVAS, K.V.NAGAR 100,
THIRUVALLAVARAM PO, KOLLAM-691 012.**
- 6. SMT.SHYLAJA,
W/O.SHAJAHAN, SHARAN NIVAS, K.V.NAGAR 100
THIRUVALLAVARAM PO, KOLLAM-691 012.**
- 7. SRI.MUHAMMAD SHAFI,
S/O.YUSUF KUNJU, SHALIMAR, KURIPUZHA
KAVANADU PO, KOLLAM PIN-691 003.**

**R1 -R 4 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
BY PUBLIC PROSECUTOR SRI.ABDUL KAREEM.
R5 & R6 BY ADV. SMT.KEERTHI SOLOMON**

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(Crl.).No. 98 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** THE TRUE COPY OF THE PHOTO SHOWING THE EXCHANGE OF
BANGLE WITH DETENUE MS.APHNA.
- EXT P2 :** THE TRUE COPY OF THE PHOTO OF THE PETITIONER AND DETENUE
MS.APHNA.
- EXT P3 :** THE TRUE COPY OF THE MARRIAGE INVITATION CARD PREPARED BY
THE PETITIONER AND HIS FAMILY.
- EXT P4 :** THE TRUE COPY OF THE COMPLAINT FILED BYTHE PETITIONER
BEFORE THE 2ND RESPONDENT AND ITS POSTAL RECEIPT DT.
24-02-2015.

RESPONDENT(S)' EXHIBITS

- ANNEXURE R2(a):** ORIGINAL COPY OF THE STATEMENT RECORDED FROM
MS.APHNA BY WCPO 5529.

/TRUE COPY/

P.A. TO JUDGE

VPV

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

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W.P.(CrI.)No.98 of 2015

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Dated this the 23rd day of March, 2015

JUDGMENT

Anil K.Narendra, J.

The petitioner has filed this writ petition seeking a writ of Habeas Corpus commanding respondents 1 to 4 to produce the alleged detainee, Ms.Aphna, who is alleged to be under the illegal detention of respondents 5 to 7 and others, before this Court.

2. By order dated 5.3.2015, this Court has directed the second respondent to depute a Woman Police Officer in Mufti to contact the alleged detainee and to conduct a discreet enquiry as to whether she is under the illegal confinement of respondents 5 to 7 and to file a report after getting the statement of the detainee recorded. Pursuant to the order passed by this Court, the statement of the detainee recorded on 8.3.2015 is produced before this Court along with a report of the second respondent dated 16.3.2015.

3. We have perused the report filed by the second respondent and also the statement of the alleged detainee recorded on 8.3.2015. A reading of the statement of the alleged detainee would make it explicitly clear that she is neither under the illegal

detention of respondents 5 to 7 nor she has been subjected to any physical or mental torment, as alleged in the writ petition.

Paragraph 4 of the report reads thus:-

"4. It is most humbly submitted that, according to the statement of Ms.Aphna, she is a 2nd year B.Com student in Chapter College, Kollam and she is residing along with her parents. The families of the petitioner and Aphna decided to conduct the marriage between the petitioner and Aphna and the betrothal ceremony was conducted on 14.09.2014; exchanged bangle in the house of Aphna in the presence of the relatives of two families. After the betrothal ceremony, Aphna and her family came to know that the petitioner had no higher education and job as they claimed earlier. In these circumstances, Aphna and her family decided to get back from the marriage with the petitioner. Aphna also stated that she has not been subjected to any physical or mental torment and that she is having no complaint against anyone in this regard."

The alleged detainee has also stated that she is living with her family at her own will. In such circumstances, we find absolutely no grounds for the issuance of a writ of Habeas Corpus under Article 226 of the Constitution of India.

The writ petition fails and the same is accordingly dismissed.

No order as to costs.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**ANIL K.NARENDRA
JUDGE**