

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(Crl.).No. 101 of 2015 (S)

PETITIONER:

SUNITHAKUMARI, AGED 45 YEARS
W/O. MADHUSOODANAN PILLAI, RESIDING AT MIINNARAM
AICKAD, KODUMON VILLAGE, ADOOR TALUK
PATHANAMTHITTA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS:

1. THE DISTRICT POLICE CHIEF
PATHANAMTHITTA.686 945
2. THE SUB INSPECTOR OF POLICE,
KODUMON POLICE STATION, PATHANAMTHITTA.
3. ANSHAD,
KUZHIVILAYIL VEEDU, KANNAMKODU, ADOOR P.O.
PATHANAMTHITTA.

R1 & R2 BY ADDL.DIRECTOR GENERAL OF PROSECUTION MR.
K.I. ABDUL RASSHEED

R3 BY ADV. SRI.K.ABDUL JAWAD

R3 BY ADV. SRI.MATHEW A KUZHALANADAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.T. SANKARAN
&
BABU MATHEW P. JOSEPH, JJ.**

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W.P.(Crl.) No. 101 of 2015

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Dated this the 9th day of April, 2015

JUDGMENT

K.T. Sankaran, J.

On 6.4.2015 we passed the following order:

“The petitioner is the mother of Athulya, aged 19 years. The case of the petitioner is that Athulya was under the illegal detention of the third respondent (Anshad). Athulya and Anshad belong to different religions. A customary marriage between them is not possible.

2. When the Writ Petition came up for admission on 13.3.2015, a Division Bench of this Court passed the following order :

“The detenue is brought to this Court and the third respondent is also personally present. We interacted with the girl and the third respondent as well as the parents of the

detenue. The detenue is a First Year B.B.A. Student in IATA College, Thiruvananthapuram. According to her, both she and the third respondent are in love and they have given notice under the Special Marriage Act.

2. We direct the learned Government Pleader to get instructions from the concerned office as to whether proper notice has been received or not. Even though the third respondent is desirous to take the girl with him today itself, since they have not undertaken any form of marriage, it may not be proper for this Court to accept the said suggestion.

3. We heard the learned counsel on both sides and the learned Government Pleader.

4. We therefore permit the parents to take the girl with them today and she will be produced before this Court by 10.15 a.m. on 17.3.2015.

The Sub Inspector of Police will accompany them to their residence at Adoor. The girl will be brought to this Court positively at 10.15 a.m. on 17.3.2015, before which, the learned Government Pleader will get instructions from the Sub Registry also.”

3. We passed an order dated 17th March, 2015, which reads as follows :

“This is in continuation of the order dated 13.3.2015. Athulya, her parents and Anshad are present. We interacted with them. Athulya stated that she wants to marry Anshad.

Learned Government Pleader, on instructions, submits that notice under the Special Marriage Act was received by the Registrar on 3.3.2015 and that one month has to expire in order to register the marriage under the Special Marriage Act. Therefore, post the case on 6.4.2015. Athulya shall continue to stay with her parents till 6.4.2015. The petitioner, Athulya and Anshad shall be present before the Court on 6.4.2015.”

4. Today, the petitioner, her husband, Athulya and Anshad are present. Athulya stated that she wants to go with Anshad and that all arrangements have been made for registering the marriage under the Special Marriage Act immediately.

5. Since the registering authority is at Adoor in Pathanamthitta District, it may not be possible to register the marriage today itself. In these circumstances, Athulya will remain in Santhinikethan

Hostel, Pachalam, for the time being. All the expenses for the stay shall be met by Anshad. Athulya shall be taken from the hostel on 7.4.2015 to Adoor for registering the marriage under the Special Marriage Act. Two women civil police officers in uniform will accompany Athulya to Adoor, for registering the marriage. If the marriage is registered, Athulya and Anshad would be free to go anywhere of their choice. If the registration of the marriage does not take place, Athulya will be admitted in the Santhinikethan hostel itself. All the expenses for travel to Adoor shall be met by Anshad.

Post on 9th April, 2015, on which date the learned Government Pleader shall report as to what transpired on 7th April, 2015.”

The learned Government Pleader submitted that the marriage of Anshad and Athulya was registered before the Marriage Officer, Adoor on 7.4.2015. Anshad and

WPCR 101/2015

Athulya are present before court. They are free to go as they wish.

The writ petition is closed.

Sd/-

**K.T. SANKARAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

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True copy

P.S. (Hr.Gr.)To Judge