

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(Crl.).No. 102 of 2015 (S)

PETITIONER(S)/PETITIONER:

SHARANYA.C., AGED 26 YEARS,
W/O.FAIZAL MUHAMMED ALI P. P., RAJNIVAS, TEMPLE GATE P. O.,
THALASSERY, KANNUR, PIN 670 102.

BY ADV. SMT.M.MEENA JOHN

RESPONDENT(S)/RESPONDENTS:

1. MUHAMMED ALI,
VN 'FAIFAS VILLA' PALLAKKAN PUTHIYAPURAYIL,
KARIYAMBALAM P. O., THALIPARAMBA, KANNUR- 670 141
PRESENTLY WORKING IN 'FALAFELALLIYO BAKERY', DUBAI,
SALMABAD, BAHRAIN.
2. FAZIL MUHAMMED ALI, AGED 27 YEARS,
S/O.MUHAMMED ALI,
VN 'FAIFAS VILLA' PALLAKKAN PUTHIYAPURAYIL,
KARIYAMBALAM P. O., THALIPARAMBA, KANNUR-670 141
PRESENTLY WORKING IN 'FALAFELALLIYO BAKERY' DUBAI,
SALMABAD, BAHRAIN.
3. DIRECTOR GENERAL OF POLICE,
STATE POLICE CHIEF, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM, PIN-695 001.
4. DEPUTY SUPERINTENDENT OF POLICE,
THALIPARAMBA, KANNUR-670 141
5. THE SECRETARY
MINISTRY OF FOREIGN AFFAIRS, GOVERNMENT OF INDIA,
NEW DELHI-111 001.
6. CONSULATE GENERAL,
EMBASSY OF INDIA, BAHRAIN, BUILDING NO. 182,
ROAD NO. 2608., BEHIND REMADA HOTEL.

GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH.
R3 & 4 BY DIRECTOR GENERAL OF PROSECUTION,
R5 & 6 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL OF INDIA

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP(Crl.).No. 102 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: -A TRUE COPY OF THE MARRIAGE CERTIFICATE

P2:- A TRUE COPY OF THE PASSPORT NO F9052812 DTD 30/9/88

**P3:- TRUE COPY OF THE RECEIPT DTD 20/2/2015 LODGED BEFORE THE 4TH
RESPONDENT BY THE PETITIONER**

**ANNEXURE R6(A) COPY OF THE LETTER DATED 26.03.2015 OF THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

// True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM & K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.102 of 2015

Dated this the 20th day of May, 2015

JUDGMENT

C.K. Abdul Rehim, J

The allegations in this writ petition is that, the petitioners husband Sri.Faisal Mohammed Ali, is illegally detained by respondents 1 and 2 at Bahrain. On that basis, relief was sought for to direct respondents 3 and 4 to produce the alleged detainee before this court and to release him from the illegal custody. On 10.03.2015, this court had passed an order, directing the 6th respondent to file a report before this court, after conducting proper enquiry as to whether the alleged detainee is under illegal confinement of respondents 1 and 2, as alleged.

2. The Assistant Solicitor General of India appearing on behalf of the 6th respondent had filed a statement to the effect that the authorities of the 6th respondent had conducted a proper enquiry as to whether

the alleged detainee is under illegal confinement of respondents 1 and 2. He was asked to appear in the embassy on 22.03.2015. It is stated that, he was questioned elaborately with respect to the matrimonial relationship with the petitioner, as well as with respect to his stay at Bahrain. It is further mentioned that, a statement was obtained from the alleged detainee Mr. Faisal Mohammed Ali and it was reduced into writing. Annexure-R6(a) is the copy of such statement recorded. The statement filed by the Assistant Solicitor General as well as Annexure-R6(a) produced therein would reveal that, the alleged detainee is employed at Bahrain and that he is not in illegal detention of respondents 1 and 2 or anybody else. It is further reveals that, there exists various disputes between the petitioner and himself, touching the matrimonial relationship existing between them. Since those are matters not germane for consideration in this writ petition, we are not proposing to elaborate on those aspects. Since it is evident that, the

allegation regarding illegal detention / custody is not true and correct we are of the considered opinion that no relief as sought for in this writ petition can be granted. However, the petitioner will be at liberty to pursue appropriate remedy with respect to the matrimonial disputes, if any subsisting.

Under the above mentioned circumstances, the writ petition deserves no merits and the same is accordingly dismissed.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge

SS