

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(Crl.).No. 109 of 2015 (S)

PETITIONER(S):

SATHYANATHAN
S/O VELAYUDHAN, AGED 50,
VADAKKEMANNATH HOUSE, THIKKODI P.O
VATAKARA, KOZHIKKODE DISTRICT.

BY ADV. SRI.C.K.MOHANAN

RESPONDENT(S):

1. THE SUB INSPECTOR OF POLICE
PAYYOLI POLICE STATION, KOZHIKKODE DISTRICT-673001
2. THE CIRCLE INSPECTOR OF POLICE
PAYYOLI, KOZHIKKODE DISTRICT, PIN-673 001.
3. THE SUPERINTENDENT OF POLICE (RURAL)
KOZHIKKODE, VATAKARA P.O, PIN-673 126.
4. DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEAD QUARTERS, TRIVANDRUM-695001.
5. MUNEER, S/O.IBRAHIM, AGED 28 YEARS
SRAMBIKKAL HOUSE, KODIKKAL, THIKKODI (PO)
VATAKARA, KOZHIKKODE DISTRICT, PIN-673 529.
6. ISMAYIL, S/O.IBRAHIM, AGED 40 YEARS
SRAMBIKKAL HOUSE, KODIKKAL, THIKKODI (PO)
VATAKARA, KOZHIKKODE DISTRICT, PIN-673 529.
7. FAISAL, S/O.IBRAHIM, AGED 38 YEARS
SRAMBIKKAL HOUSE, KODIKKAL, THIKKODI (PO)
VATAKARA, KOZHIKKODE DISTRICT, PIN-673 529
8. NABEESA, W/O.IBRAHIM, AGED 55 YEARS
SRAMBIKKAL HOUSE, KODIKKAL, THIKKODI (PO)
VATAKARA, KOZHIKKODE DISTRICT, PIN-673 529.
9. MARSOOK, S/O.MAMMAD, AGED 28 YEARS
ANGEKKARA VALAPPIL HOUSE, KODIKKAL
THIKKODI (PO) VATAKARA, KOZHIKKODE DISTRICT
PIN-673 529

BY GOVERNMENT PLEADER SRI.ABDUL KAREEM
R5 BY ADV.SRI.SUNNY MATHEW

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.P.(CrI.) No.109 of 2015

Dated this the 26th day of March, 2015

J U D G M E N T

P.N.Ravindran, J.

The petitioner, who is the father of Ms.Shyamili, has filed this writ petition for a writ of habeas corpus commanding respondents 1 to 4 to produce the body of his daughter in this Court and to set her at liberty forthwith. He has alleged that ever since 7.3.2015 his daughter is in the illegal custody of respondents 5, 6, 7 and 9 who abducted her in a motor car.

2. Pursuant to the order passed by this Court on 13.3.2015, fifth respondent and others produced the detenu in this Court on 18.3.2015. This Court thereupon interacted with the petitioner, the detenu and the fifth respondent. The detenu and the fifth respondent informed this Court that they have given notice of marriage under section 5 of the Special Marriage Act, 1954 on 23.2.2015 and that Ms.Shyamili had gone to Mysore along with the fifth respondent and that she came back at the intervention of the police. Having regard to the fact that the marriage between the alleged detenu and the fifth respondent has not been solemnised, this Court permitted the petitioner and his wife to take the detenu with them subject to the undertaking that she will be produced today.

3. Today the petitioner, his wife, the detenu and the fifth respondent were present. We interacted with the detenu and the fifth respondent. To a query from us to whether she is desirous of going ahead

with the notice of the intended marriage, Ms.Shyamily stated in categorical terms that she does not wish to marry the fifth respondent and she wishes to go with her parents. She submitted that she is not in the illegal custody of her parents and that she is making the aforesaid statement on her own free will. She also submitted that the original of her Secondary School Leaving Certificate, Plus 2 mark list, provisional degree certificate, mark lists and the transfer certificate issued after completing the B.A. degree course as also the originals of the voter ID Card issued by the Election Commission of India, the Aadhar Card issued to her as also her birth certificate, a ring given to her by her mother and a locket are in the custody of the fifth respondent. The fifth respondent stated that he is willing to return the aforesaid documents/articles to Ms.Shyamily.

In such circumstances, we direct the fifth respondent to handover through the Sub Inspector of Police Payyoli Police Station, the aforesaid documents/articles to the petitioner's daughter Ms.Shyamily. Having regard to the wishes of Ms.Shyamily, we also permit the petitioner and his wife to take her with them. The writ petition is disposed of accordingly.

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

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

vps

