

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. 113 of 2015 (S)

PETITIONER:

ABDULKHADER M.A, AGED 48 YEARS
S/O. LATE MAMMY, MANDALATH HOUSE, PALARIVATTOM P.O.
JANATHA, ERNAKULAM - 682 025
NOW RESIDING AT NADUVELIL RES. ASS. NO. 228
SOUTH JANATHA ROAD, PALARIVATTOM, ERNAKULAM.

BY ADVS. SRI. SANTHOSH PETER (MAMALAYIL)
SRI. P.N. ANOOP

RESPONDENT(S):

1. THE INSPECTOR GENERAL OF POLICE
CENTRAL ZONE, ERNAKULAM - 682 031.
2. THE SUPERINTENDENT OF POLICE
ALUVA RURAL, ERNAKULAM - 683 101
3. THE CIRCLE INSPECTOR OF POLICE
PALARIVATTOM, ERNAKULAM - 682 025.
4. THE SUB INSPECTOR OF POLICE
PALARIVATTOM, ERNAKULAM - 682 025.

ADDL.R5 IMPEADED:

ADDL.R5: K.S. ABHIJITH @ AMBILI,
S/O SUNILKUMAR, AGED 22 YEARS,
KURUPPAMPARAMBU HOUSE,
NAYARAMBALAM (PO),
VYPPIN, ERNAKULAM DISTRICT.

(IS IMPEADED AS PER ORDER DATED 24.3.2015 IN I.A.NO.4404/2015 IN WP(CRL)
113/15-S)

R1-R4 BY GOVT. PLEADER SMT. KOCHUMOL KODUVATH
ADDL.R5 BY ADV. SRI. BEN TOM

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

WP(Crl.).No. 113 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DT.
09.3.15.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

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

W.P.(Crl.)No.113 OF 2015

DATED THIS THE 30th DAY OF MARCH, 2015

JUDGMENT

P.N.RAVINDRAN, J.

The petitioner, who is the father of Anasiya M.A., has filed this writ petition for a writ of habeas corpus directing respondents 2 to 4 to trace out and produce his daughter in this Court. The petitioner has averred that though the whereabouts of his daughter, who is missing since 9.3.2015 is not known to him, he has information that his daughter is in the illegal custody of the additional fifth respondent.

2. Pursuant to the order passed by this Court, the additional fifth respondent and the detinue are present in Court. The petitioner and his wife are also present. We interacted with the petitioner, his wife, the additional fifth respondent and the detinue. The additional fifth respondent and the detinue stated that their marriage was solemnised at Kalavamkodam Sree Shakteeswara Temple on 9.3.2015. They however admitted the fact that the first respondent has not converted to Islam and Anasiya, the detinue has not embraced Hinduism. They also stated that they have already given notice of marriage under section 5 of the Special Marriage Act, 1954 on 3.3.2015 before the Sub Registrar, Njarakkal and that notice period of one month will expire only on 4.4.2015. They also handed over to us a copy of the marriage certificate

issued from Vayalar Grama Panchayat to the effect that the marriage between them has been solemnised on 9.3.2015.

3. After interacting with the detinue and the additional fifth respondent, we also interacted with the petitioner and his wife. We also permitted them to interact with the detinue. When the case was again called, the detinue maintained her earlier stand that she would like to go with Abhijith, the additional fifth respondent. The detinue was also not prepared to go with her parents.

In such circumstances, as the detinue has admittedly attained the age of majority and the additional fifth respondent and detinue have given notice of marriage under section 5 of the Special Marriage Act, 1954 on 3.3.2015 before the Sub Registrar, Njarakkal and the detinue has also stated that she is not in the illegal custody of the additional fifth respondent, we are of the opinion that the relief prayed for by the petitioner cannot be granted.

The writ petition fails and it is accordingly dismissed.

Sd/-
P.N.RAVINDRAN,
JUDGE

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn