

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(Crl.).No. 119 of 2015 (S)

PETITIONER(S):

MANOJ AKKARAMMAL AGED 28 YEARS
S/O.CHANDU, SIBI NIVAS, AKKARAMMAL HOUSE
NARIKKODUMALA (P.O.), THUVAKKUNNU VAZHI
THRIPPANGOTTU VILLAGE, THALASSERY TALUK
KANNUR DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT(S) :

1. THE STATE POLICE CHIEF
THIRUVANANTHAPURAM - 695 001.
2. THE CIRCLE INSPCTOR OF POLICE
BATHERY, WAYANADU DISTRICT - 673 592.
3. THE SUB - INSPECTOR OF POLICE
KENICHIRA POLICE STATION
WAYANADU DISTRICT - 673 592.
4. THE SUB-INSPECTOR OF POLICE
PUNNAPRA POLICE STATION
ALAPPUZHA DISTRICT - 688 001.
5. SRI.THAMPI
PLAKKOOTTAM HOUSE, VAKERI (P.O.) SULTHANBATHERY
WAYANADU DISTRICT - 673 592.

R1-R4 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.TOM JOSE PADINJAREKKARA
R5 BY ADV. SRI.S.KANNAN
R5 BY ADV. SMT.K.S.SANGEETHA
R5 BY ADV. SMT.S.SIMY

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(Crl.).No. 119 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1:A TRUE COPY OF THE COMPLAINT DATED 17/03/2015 BEFORE THE 1ST
RESPONDENT.

EXT.P2: A TRUE COPY OF THE COMPLAINT DATED 17/03/2015 BEFORE THE
2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A. TO JUDGE

K.T.SANKARAN & P.D.RAJAN, JJ.

W.P.(Crl.) No.119 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

K.T.Sankaran, J.

The petitioner claims to be a member of the Kerala State Human Rights Commission. He is working as a staff nurse in the Medical College Hospital, Alappuzha. Suchithra, the daughter of the fifth respondent, is also working in the said hospital. Both of them belong to Schedule Tribe. It is stated that the petitioner and Suchithra are in love for more than seven years. They intend to marry. It was alleged that she is under the illegal detention of the fifth respondent. The fifth respondent is also present. He stated that if the petitioner and Suchithra want to marry, let them do it and he should not be troubled.

2. When the Writ Petition came up for hearing on 25th March, 2015, another Division Bench of this Court passed the following order :

“The petitioner, a staff nurse presently working in Medical College Hospital, Alappuzha has filed this writ petition for a writ of Habeas Corpus directing the fifth respondent to produce the body of Suchithra, his daughter, in this Court and to hand over her custody to the petitioner. The petitioner has averred that he is in love with Suchithra, the fifth respondent's daughter, who is also working as staff nurse in Medical College Hospital, Alappuzha. He has also averred that they were classmates for the nursing course at Government College of Nursing, Kottayam.

2. On noticing the averment in the writ petition to the effect that the petitioner is a member of Kerala State Human Rights Commission, we called upon the petitioner to state whether he is a member of the Kerala State Human Rights Commission as claimed by him. In reply, he stated that he is a member of the Kerala State Human Rights Protection Council, a society registered under the Travancore Cochin Literary, Scientific and Charitable Societies Act, 1955. He also handed over to us the identity card issued by the Secretary General of the Kerala State Human Rights Protection Council. A photostat copy thereof is appended to this order. The Kerala State Human Rights Protection Council has in the said identity card claimed that it is a human rights violation and corruption investigation agency, that it is authorised by the

Government of Kerala and that it is recognised by Kerala State Legal Services Authority under section 8 of the Legal Services Authorities Act, 1987.

3. After going through the identity card issued by the Kerala State Human Rights Protection Council to the petitioner we are satisfied that it is misleading and that it can be misused by members of the Kerala State Human Rights Protection Council to make gullible persons believe that it is an investigation agency authorised by the Government of Kerala and that it is recognised by the Kerala State Legal Services Authority under section 8 of the Legal Services Authorities Act, 1987. In such circumstances, we deem it appropriate to direct the Secretary to Government, Home Department, Government of Kerala to file a statement in this Court with reference to the claim made by the Kerala State Human Rights Protection Council in the identity card issued to the petitioner. Such a statement shall be filed within one week from today.

4. Though this writ petition was admitted and notice served on the fifth respondent by special messenger deputed from this Court, the fifth respondent has not chosen to enter appearance. The fifth respondent's daughter Suchithra, the alleged detainee, was produced by the third respondent. We interacted with the alleged detainee as also the petitioner who is present in person. The petitioner stated that he intends to marry the detainee and that his parents have no objection to such a marriage. The detainee submitted that ever since 4.3.2015 she is not attending to her duties as a nurse and that she was prevented from attending to her duties by her

parents. The learned Government Pleader submitted that detenue's parents produced the detenue before the Sub Inspector of Police, Kenichira yesterday and they left her in the custody of the Sub Inspector of Police. The learned Government Pleader also submitted that a Woman Civil Police Officer of Kenichira Police Station had recorded the statement of the petitioner. The original thereof was also made available to us for perusal. The detenue has no claim therein that she is under the illegal custody of her parents or her in-laws. The statement is to the effect that she was taken to her house on 5.3.2015 and her phone was also taken away. She has also stated that ever since 5.3.2015 she has not been able to contact the petitioner. She has also stated that she left for her sister's house on 21.3.2015 and that when the Police came to his sister's residence on 23.3.2015 she came to know that Manoj has filed a petition in this Court. The fifth respondent submitted that he is an agriculturist and that the meagre income which he derives from the agricultural activities and by rearing a cow is the only means of his livelihood. He also submitted that he has not kept his daughter under illegal custody and that upon receipt of notice, he produced his daughter before the Sub Inspector of Police, Kenichira Police Station. He also submitted that he does not have the means to engage a lawyer.

5. From the materials before us it cannot be said with certainty that the fifth respondent's daughter was in his illegal custody. When we interacted with the petitioner and the detenue we asked them whether a marriage between them has been solemnized or whether they have given notice of

marriage under the Special Marriage Act. The answer was in the negative. In such circumstances, as the marriage between the petitioner and the detenue has not been solemnized and they have not given notice of marriage, we are of the opinion that consideration of the writ petition should be adjourned to another day so as to enable the alleged detenue to make an introspection and that till then she should be accommodated at S.N.V.Sadanam, Ernakulam.

We accordingly direct the third respondent to take the alleged detenue to S.N.V.Sadanam, Ernakulam. The Secretary, S.N.V. Sadanam, Sadanam Road, Ernakulam, Kochi-11 shall accommodate her at S.N.V.Sadanam till 1.4.2015. The Commissioner of Police, Kochi City shall produce the detenue at 10.15 a.m. on 1.4.2015. He shall for that purpose depute two Women Civil Police Officers to accompany the detenue. It will be open to the fifth respondent to meet the detenue and interact with her. The petitioner or his parents shall not be allowed to meet or interact with her. The detenue will be free to make and receive calls on her mobile phone.

Call on 1.4.2015.

Handover to the learned Government Pleader. A copy of this order shall also be communicated to the Secretary, Kerala State Legal Services Authority.”

3. Pursuant to the order passed by this Court, the Additional Chief Secretary to Government filed a statement

dated 31st March, 2015, in which it is stated that Crime No.514 of 2008 of Attingal Police Station was registered against Kadakkavoor Vikraman, the self-proclaimed Secretary General of the self-styled organisation called Kerala State Human Rights Protection Council. The statement also shows that another crime as Crime No.31 of 2009 of Thrissur West Police Station was registered against the said Vikraman under Section 420 of the Indian Penal Code and the provisions of the Emblems and Names (Prevention of improper use) Act, 1950. It is made clear that appropriate proceedings can be continued in that regard.

4. Suchithra was in S.N.V.Sadanam and today, she came to Court from there. In view of the statements made by the petitioner and her father, it is not necessary for Suchithra to continue to stay in S.N.V.Sadanam. She expressed her desire to

work in the hospital. The petitioner and Suchithra stated that they intend to register their marriage under the Special Marriage Act and that all necessary steps would be taken in the matter. Suchithra stated that she will continue to reside in the rented house along with her female friends.

5. In the facts and circumstances, the Writ Petition is disposed of granting liberty to Suchithra to work as staff nurse in the Medical College Hospital, Alappuzha, and to stay in the rented house along with her friends. There will be a direction to the petitioner and Suchithra to complete the formalities for registering their marriage. They shall produce the marriage certificate before Court on 25.5.2015. A woman civil police officer, not in uniform, of Ambalappuzha Police Station shall be deputed to meet Suchithra once in a week to ensure that she continues to reside in the rented house along with her friends.

After the marriage is registered, Suchithra will be free to go with the petitioner.

6. In view of the order passed by the Division Bench, we directed the petitioner to hand over his identity card. He handed over the identity card. He stated that he is not aware of the illegal activities of the Kerala State Human Rights Protection Council as stated in the statement filed. The identity card shall be retained by the Registry and shall be produced before Court on 25.5.2015.

Post on 25.5.2015 for production of the marriage certificate before Court.

**K.T.SANKARAN
JUDGE**

**P.D.RAJAN
JUDGE**