

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(Crl.).No. 120 of 2015 (S)

PETITIONER:

RAHUL.R
S/O.RAVIKUMAR, 'ROHINI', VATTUKALAM P.O.
KADAPPOOR, KOTTAYAM.

BY ADV. SRI.A.K.HARIDAS

RESPONDENTS:

1. THE SUPERINTENDENT OF POLICE
KOTTAYAM DISTRICT 686 001.
2. THE SUB - INSPECTOR OF POLICE,
KURAVILANGAD POLICE STATION,
KOTTAYAM
3. PONNAPPAN C.N,
SUDHANIVAS, MANARCAD P.O., KOTTAYAM 686019.

BY GOVERNMENT PLEADER SMT.KOCHUMOL KODUVETH
R-R BY ADV.SRI.VISHNU BHUVANENDRAN
R3 BY ADV.SANTHI M.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 120 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY JUDGMENT IN WP(CRL) 287/2014

P2- TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 20.8.2014

P3- TRUE COPY OF THE COMPLAINT DATED 16.3.2015

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

VPS

PS TO JUDGE

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

W.P.(Crl.) No.120 of 2015

Dated this the 25th day of March, 2015

J U D G M E N T

P.N.Ravindran, J.

The petitioner, who is the husband of C.P.Poojamol (daughter of third respondent) has filed this writ petition for a writ of habeas corpus directing the third respondent to produce the body of the detinue in this Court and to set her at liberty. The petitioner has averred that though the marriage between him and the third respondent's daughter C.P.Poojamol was solemnised and registered under the Special marriage Act, 1954, and they were living together as husband and wife, after the third respondent along with his wife met C.P.Poojamol in the evening of 16.3.2014, her whereabouts are not known. He has averred that the house of the third respondent at Manarcad is locked and that his wife's mobile phone is also switched off. The petitioner has also referred to the fact that the writ petition filed by the third respondent as W.P.(Crl.) No.287 of 2014 for a writ of habeas corpus directing him to produce the body of the detinue in this Court on the allegation that the third respondent's daughter is in his illegal custody was closed having regard to the submission made by the detinue (presently his wife) that she left her house voluntarily to get married to him.

2. Pursuant to the order passed by this Court, the third respondent is present in this Court along with the detinue. We interacted with the petitioner, the detinue and the third respondent. While the petitioner submitted that he cannot live otherwise than in the company of the

detenue, the detenue stated that she left the matrimonial home voluntarily and that she is residing with her parents out of her free will. She also stated that she has obtained an order from the Court of the Judicial Magistrate of First Class-III, Kottayam under section 23 of the Protection of Women from Domestic Violence Act, 2005. She also handed over to us a copy of the order passed by the Court of the Judicial Magistrate of First Class-III, Kottayam. The third respondent also stated that her daughter came back to his house voluntarily and that she is not under his illegal custody. Though the petitioner submitted that he would like to interact with the detenue, the detenue stated that she does not want to speak to him. In such circumstances, as the petitioner's wife has left the matrimonial home voluntarily and out of her will and she is not in the illegal custody of the third respondent or her other relatives, no relief can be granted in the instant writ petition. The remedy of the petitioner in our opinion lies elsewhere.

The writ petition fails and it is accordingly dismissed.

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

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

vps

