

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. 124 of 2015 (S)

PETITIONER:

AHAMMED KHADER, AGED 67 YEARS
S/O. AHAMMED, KARUVILLY HOUSE, VENGOLA P.O.
ARAKKAPPADY VILLAGE, PERUMANNI, ERNAKULAM.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENT(S):

1. RAHIM, S/O. KUNJUMHAMMED, AGED 40,
KACHAMKUZHIYIL HOUSE
CHONDI VILLAGE, EDATHALA P.O., ALUVA
ERNAKULAM.
2. HASSAN O.M., S/O. MUHAMMED, AGE NOT KNOWN,
ONODIPOTHIYIL HOUSE, VENGOLA P.O.
PERUMANNI, ERNAKULAM DISTRICT.
3. K.B.SIDDIK, S/O. BEERAN, AGE NOT KNOWN,
KOPPARAMBIL HOUSE, VENGOLA P.O.
PERUMANNI, ERNAKULAM DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
ALUVA POLICE STATION, ERNAKULAM.
5. THE CIRCLE INSPECTOR OF POLICE,
ALLUVA POLICE STATION, ERNAKULAM DISTRICT.
6. THE STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT
TRIVANDRUM.

R2-R3 BY ADV. SRI.PRAVEEN K. JOY
R4 -R 6 BY GOVERNMENT PLEADER SMT.KOCHUMOL KODUVATH

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

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

W.P.(CrI.)No.124 OF 2015

DATED THIS THE 30th DAY OF MARCH, 2015

JUDGMENT

P.N.RAVINDRAN, J.

The petitioner, who is the brother of one late Meeran, has filed this writ petition for a writ of habeas corpus directing respondents 1 to 5 to produce the body of K.V.Seena, daughter of late Meeran, in this Court along with her minor child aged three months and to set her at liberty forthwith. He has averred that his brother's daughter Seena and her minor daughter are in the illegal custody of respondents 1 to 3. It is also averred that after the marriage between the detainee and Makkar, S/o Abdul Khader was dissolved by pronouncement of talaq, the detainee fell in love with the first respondent and in that relationship she conceived a child, that later the first respondent violated the promise to marry the detainee, that based on the complaint lodged by the detainee before the Sub Inspector of Police, Aluva Police Station, respondents 1 to 3 appeared and after mediation talks, the detainee and the child went along with respondents 1 to 3. The petitioner has averred that thereafter respondents 1 to 3 are not permitting him and other near relatives of the detainee to contact her and her child.

2. Pursuant to this Court's order, respondents 1 to 3 are present. The detainee was produced by her brother Muhammed. Her mother Nafeesa was also present. When we interacted with the detainee, she stated that she is residing with her mother and brother for the past several months and she is not under the custody of respondents 1 to 3. The brother of the detainee and her mother also reiterated the same. After interacting with the alleged detainee and her brother and mother, we are satisfied that the detainee is not under the illegal custody of respondents 1 to 3. Her brother submitted that respondents 1 to 3 are his neighbours.

In such circumstances, we find no grounds to grant the relief prayed for in the writ petition. The writ petition fails and it is accordingly dismissed.

Sd/-
P.N.RAVINDRAN,
JUDGE

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn