

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(Crl.).No. 126 of 2015 ()

PETITIONER(S):

PUSHPARAJAN R., AGED 53 YEARS,
S/O.RAGHAVAN, KOLACHIRAPUTHEN VEEDU, ALUMMOODU P.O.,
KOTTAMKARA VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)

RESPONDENT(S)/RESPONDENTS:-

1. THE DISTRICT POLICE CHIEF,
OFFICE OF THE DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM DISTRICT, PIN - 691 001.
2. SUB INSPECTOR OF POLICE,
KUNDARA POLICE STATION, KOLLAM DISTRICT,
PIN - 691 501.
3. ABHIJITH,, AGED 19 YEARS,
S/O.SUDHARMAN, RESIDING AT VAYALIL VEEDU, MEKONE,
CHANDANATHOPE P.O., KOLLAM DISTRICT, PIN - 691 014.
4. BEENA,
W/O.SUDHARMAN, RESIDING AT VAYALIL VEEDU, MEKONE,
CHANDANATHOPE P.O., KOLLAM DISTRICT, PIN - 691 014.
5. SARATH,
RESIDING AT VAYALIL VEEDU, MEKONE, CHANDANATHOPE P.O.,
KOLLAM DISTRICT, PIN - 691 014.
6. SUKANYA,
W/O.SARATH, RESIDING AT VAYALIL VEEDU, MEKONE,
CHANDANATHOPE P.O., KOLLAM DISTRICT, PIN - 691 014.

DETENUE

**GREESHMA,
D/O.PUSHPARAJAN, KOLACHIRAPUTHEN VEEDU, ALUMMOODU P.O.,
KOTTAMKARA VILLAGE, KOLLAM TALUK,
KOLLAM DISTRICT.**

**R1 & R2 BY GOVERNMENT PLEADER SRI. P.S. ABDUL KAREEM.
R3 & R4 BY ADV. ALEXANDER GEORGE.**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

:3:

WP(Crl.).No. 126 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. A TRUE COPY OF THE F.I.R IN CRIME NO.434 OF 2015 REGISTERED
BY THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//True copy//

P.A. to Judge

SS

C.K. ABDUL REHIM & K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.126 of 2015

Dated this the 20th day of May, 2015

JUDGMENT

K. Ramakrishnan, J

This writ of Habeas Corpus was filed by the petitioner, who is the father of the alleged detainee Miss.Greeshma, for a direction to the first and second respondent to produce the body of the detainee and release her from the illegal custody of respondents 3 to 6.

2. It is alleged in the petition that, the 3rd respondent is in love with Miss.Greeshma and 4th respondent is the mother of the 3rd respondent. The detainee was found missing from 02.03.2015 onwards. On that day she went to college at 8.30 a.m as usual and she did not return in the evening. When they inquired about the same from the authorities of the Government ITI, Chandanathoppu, Kollam, when she was studying, it was revealed that, she did not come to the institution on that

day. It is understood that she is having acquaintance with 3rd respondent from the day while they were studying together for VHC Course at Ezhukone. On the basis of the complaint given by the petitioner, Ext.P1 first information report was registered as Crime No.434/2015 of Kundara police station of Kollam under Section 57 of Kerala Police Act and they did not conduct any proper investigation to trace out the missing girl. So the petitioner was compelled to file the above writ petition, seeking the following reliefs:

a. Issue a writ of Habeas Corpus or any other appropriate writ, order of direction, compelling and commanding first and second respondents to produce the Body of the Detenue before this court and to release her from illegal custody of the respondents' three to six.

b. Issue such other writ order of direction that this Hon'ble court may deem fit and proper in the nature and circumstances of the case.

3. As directed by this court, on 17.04.2015, second respondent traced out the detenue Miss.Greeshma and produced her before this court and when this court interacted with them, it was revealed that, she was in love with 3rd respondent and she does not want to go with her

parents, who were present in court and this court found that there was no solemnization of the marriage and the third respondent has not completed 21 years and marriage could not be solemnized. This court also felt that, the detainee should be given an opportunity to introspect without interference of respondents 3 to 6. Accordingly, she was sent to Santhinikethan, Pachalam and the petitioner and his wife were permitted to interact with the detainee and prevented respondents 3 to 6 or anyone else other than the parents of Greeshma to interact with them. As per the orders dated, on 21.04.2015, as per the request of the petitioner, the alleged detainee Greeshma was transferred to YMCA, Kollam, with the same conditions and directed to produce her before this court today.

4. Both the 4th respondent and the detainee Miss. Greeshma were present. We have interacted with them. It is seen from the earlier orders that, the 3rd respondent has not attained 21 years and as per Section 5

of the Hindu Marriage Act or under the relevant marriage laws, he is not competent to contract a legal marriage. The petitioner as well as his wife have assured that, after 3rd respondent attaining the age of 21 years, they will make all arrangements to have a customary marriage in accordance with law and they will not attempt to have any marriage proposal with any other person for the detainee and they will not compel her for the same as well. The mother of the 3rd respondent was also of the view that, it is not proper to have the detainee and the 3rd respondent live together before solemnizing their marriage and she is prepared to send the detainee to her parental house, till their marriage is conducted.

5. Under the circumstances, we also feel that, it is not proper to send the detainee Greeshma with 3rd respondent as there is no legal marriage and till the marriage is conducted in the interest of justice and also for her betterment, she has to be with her parents in her

parental home. So, she is directed to live with the petitioner in her parental house. After attaining the age of 21 years, the petitioner and his wife shall take all necessary steps to solemnize their marriage in accordance with law.

6. In the meanwhile, 3rd respondent is directed not to contact with the detenue Greeshma in any form and the 4th respondent is permitted to interact with the detenue in her parental house in the presence of her parents and she will not make any attempt to allow the detenue and her son/ 3rd respondent to interact or to communicate in any form during this period.

With the above direction and observation, the petition is disposed of.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge

SS