

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 17TH DAY OF APRIL 2015/27TH CHAITHRA, 1937

WP(Cr1.).No. 139 of 2015 (S)

PETITIONER(S) :

R.PRAMOD, S/O.RAVEENDRAN AGED 32 YEARS
ELLIPPIKAZHIKOM VEEDU, KAPPIL PO
EDAVA THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.V.VENUGOPALAN NAIR
SRI.C.UNNIKRISHNAN (KOLLAM)
SMT.LAYA SIMON

RESPONDENT(S) :

1. S. MANIKANTAN, AGED 55 YEARS
'RAJANI MANDIRAM', MUDAPURAM PO
THIRUVANANTHAPURAM DISTRICT - 695 304.
2. RAJANI, W/O.S.MANIKANTAN, AGED 48 YEARS
'RAJANI MANDIRAM', MUDAPURAM PO
THIRUVANANTHAPURAM DISTRICT - 695 304.
3. THE SUB INSPECTOR OF POLICE
CHIRAYINKEEZHU POLICE STATION
THIRUVANANTHAPURAM DISTRICT -695 001
4. THE SUPERINTENDENT OF POLICE
THIRUVANANTHAPURAM RURAL -695 001
5. THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM -695 001

R3,R4 & 5 BY GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR
R1 & 2 BY ADV. SRI.SUBHASH CYRIAC

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
17-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(Crl.).No. 139 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 - TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE SECRETARY,
MADOTHIL VILAKOM SREE BHAGAVATHY TEMPLE AT MUTTAPPALAM,
VARKALA BY ITS SECRETARY DTD.14-2-15

EXT.P2 - TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF
THE DETENUE.

RESPONDENT(S) ' EXHIBITS

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NIL.

TRUE COPY

PA TO JUDGE.

acd

P.N. RAVINDRAN & P.D. RAJAN, JJ.

W.P.(Crl)No.139 of 2015

Dated this the 17th day of April, 2015

JUDGMENT

P.N. Ravindran,J.

The prayer in this writ petition is for a writ of habeas corpus commanding the respondents to produce the body of petitioner's wife Amritha. R. Manikantan in this Court and to set her at liberty. The petitioner has averred that in the evening of 14.02.2015, after the marriage between him and the detinue was solemnized, respondents 1 and 2 induced his wife to go back to the parental home and thereafter, she is being illegally detained by her parents, who are joined as respondents 1 and 2 in the writ petition.

2. Pursuant to the order passed by this Court on 1.4.2015, the Superintendent of Police, Thiruvananthapuram

Rural caused a discrete enquiry to be conducted through a Woman Civil Police Officer. The Superintendent of Police and District Police Chief, Thiruvananthapuram have filed a report, which discloses that on interaction, the detenue informed the Woman Civil Police Officer that she is not willing to live with the petitioner, though some sort of a marriage was solemnized on 14.02.2015. The detenue has also filed an affidavit dated 17.04.2012, wherein she has averred in categorical terms that she is residing with her parents on her volition and that she is not under their illegal custody. She has also averred that there is no legal marital relationship between her and the petitioner, that she has not decided to marry any person at present and even if there is any marriage, it will be with the consent and the blessings of her parents. We also interacted with the detenue. She stated that she is not under the illegal

confinement of respondents 1 and 2 and that she would like to live with her parents.

3. In the light of the affidavit filed by the detenue as also the report submitted by the District Police Chief, Thiruvananthapuram and the statement made by the detenue, we are satisfied that she is not under the illegal custody of respondents 1 and 2 and she wishes to remain with the parents. We are therefore of the opinion that the relief sought in this writ petition cannot be granted. The writ petition fails and is accordingly dismissed.

P.N. RAVINDRAN, JUDGE

P.D. RAJAN, JUDGE.

acd

