

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(Crl.).No. 151 of 2015 (S)

PETITIONER :

**SINI, AGED 30 YEARS,D/O.SUBAIRKUTTY,
PULATHARAYIL, NJAKKANAL, KRISHNAPURAM,
ALAPPUZHA-690 533.**

BY ADV. SRI.P.G.JAYASHANKAR

RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM-695 001.**
- 2. SUB INSPECTOR OF POLICE,
KARUNAGAPALLY POLICE STATION, KARUNAGAPPALLY, 690 518.**

R1 & R2 BY GOVERNMENT PLEADER SRI. JOBY JOSEPH

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(Crl.).No. 151 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE PETITION DATED 30.03.2015 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

W.P (Crl.) No. 151 OF 2015

DATED THIS THE 5th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

This writ petition is filed seeking the following reliefs:

- (i) Issue a writ of habeas corpus or any other appropriate writ, direction or order, directing the respondents to produce the husband of the petitioner before this Hon'ble Court and to set him at liberty.
- (ii) Issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondents to take appropriate steps pursuant to Ext.P1.
- (iii) Grant such other and identical reliefs as this Hon'ble court may deem just and necessary on the facts and circumstances of this case; and
- (iv) allow this writ petition (criminal) with costs to the petitioner.

2. With respect to the first relief to issue a writ of Habeas Corpus, this court takes note of the fact that there is no specific averments or allegations in the writ petition that the alleged detainee, who is the husband of the petitioner, is in any manner under illegal confinement of any person. The averments are only to the effect that, on

27-03-2015 the husband of the petitioner had informed her that he is leaving to Bangalore. Thereafter when the petitioner tried to contact over his mobile phones, they were switched off. It is stated that the petitioner had already submitted a complaint before the 2nd respondent with respect to missing of her husband, on 30-03-2015.

3. Under the above mentioned circumstances we are of the considered opinion that the husband of the petitioner is missing for which proper investigation has to be conducted by the police authorities concerned. But there is no scope for issuing any writ of Habeas Corpus.

4. The second relief sought for is to the extent of directing the respondents to take appropriate steps on the basis of Ext.P1 complaint. Learned Government Pleader appearing on behalf of the respondents submitted that, based on Ext.P1 complaint a case was already registered by the 2nd respondent as Crime No.911/2015 of Karunagapally Police Station under Section 57 of Kerala Police Act. It is further stated that the investigation so far conducted in the said case had revealed that the missing person is now not

within the country and he is somewhere abroad. It is pertinent to note that the petitioner has no case that the investigation is not conducted in any proper manner. Nor she had approached any higher authorities in the Police with any complaint for intensifying the investigation or for entrusting the investigation to any other agency.

5. We are of the considered opinion that it is for the 2nd respondent to pursue the investigation in the crime case already registered. As such we do not find any circumstances warranting issuance of any further direction in this regard, at this stage. It will be left open to the petitioner to seek appropriate remedy at any later stage if the investigation is not yielding in any positive result.

6. Reserving liberty of the petitioner as mentioned above, this writ petition is hereby dismissed.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge