

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(Crl.).No. 157 of 2015 (S)

PETITIONER:

HARIS SAYED
S/O.LATE SAYED MUHAMMED RAWTHER, AGED 45 YEARS,
THOPPIL HOUSE, ETTUMANNOOR VILLAGE,
KIZHAKKUMBHAGAM KARA, ETTUMANNOOR P.O.,
KOTTAYAM TALUK, KOTTAYAM DISTRICT.

BY ADVS.SRI.G.PRIYADARSAN THAMPI
SRI.P.S.PRADEEP

RESPONDENTS:

1. RAMALA BEEVI @ REMI,
D/O.ABDUL RAHMAN, AGED 43 YEARS,
METTUMPURATH HOUSE,
NEAR PUTHOOR PALLY KAVALA, CHANGANASSERY P.O.,
KOTTAYAM DISTRICT, PIN - 686 101.
2. KABEER RAHMAN,
S/O.ABDUL RAHMAN, AGED 38 YEARS,
METTUMPURATH HOUSE,
NEAR PUTHOOR PALLY KAVALA, CHANGANASSERY P.O.,
KOTTAYAM DISTRICT, PIN - 686 101.
3. THE DISTRICT POLICE CHIEF,
KOTTAYAM, PIN 686 001.
4. THE SUB INSPECTOR OF POLICE,
CHANGANASSERY POLICE STATION,
KOTTAYAM DISTRICT, PIN - 686 101.

BY SR.GOVERNMENT PLEADER SRI.SHIBIN JOSEPH

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

WP(CRL) NO.157/2015

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1. TRUE COPY OF THE TALAK NAMA DTD.5.5.2014 ALONG WITH THE
ACKNOWLEDGMENT CARD
- EXT.P2. TRUE COPY OF THE RENT AGREEMENT DTD.30.6.2014
- EXT.P3. TRUE COPY OF THE UNNUMBERED O.P.(GW) FILED BY THE PETITIONER

RERSPONDENTS EXHIBITS:

NIL

TRUE COPY

VPS

PS TO JUDGE

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

W.P.(Crl.) No.157 of 2015

Dated this the 17th day of April, 2015

J U D G M E N T

P.N.Ravindran, J.

The prayer in this writ petition filed by the father of two minor children is for a writ of habeas corpus directing the respondents 3 and 4 to produce them in this Court and to set them at liberty forthwith. The petitioner has averred that his son Muhammed Ajmal, aged 16, and his daughter Alka Fathima, aged 14, are in the illegal custody of respondents 1 and 2, their mother and maternal uncle respectively.

2. Pursuant to the order passed by this Court, respondents 1 and 2 produced the children in this Court. We interacted with them. Though they stated that their father has love and affection towards them and attends to their needs, they stated in categorical terms that as their father has remarried and is living with his second wife, they do not wish to reside with their father and that they are happily residing with their mother. We also understood from the interaction with the parties that the instant writ petition was filed for the reason that for a short period of time the petitioner was not aware of the whereabouts of his children, as that they had in the meanwhile shifted their residence. In the light of the categorical statement made by the

children of the petitioner that they do not wish to reside with their father and that they are happily residing with their mother, we find no grounds to grant the reliefs prayed for. The writ petition fails and it is accordingly dismissed.

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

**P.D.RAJAN,
(JUDGE)**

vps