

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. 160 of 2015 (S)

PETITIONER(S) :

SUDHEER MAACHINGAL, AGED 45 YEARS,
S/O. GOPALAN, MAACHINGAL, PULINCHODU AYANICHODU,
KODUNGALLOOR TALUK, EDATHURUTHI VILLAGE,
THRISSUR DISTRICT.

BY ADVS.SRI.A.RANJITH NARAYANAN
SMT.A.SIMI
SRI.S.K.SAJU

RESPONDENT(S) :

1. THE SUB INSPECTOR OF POLICE,
MATHILAKAM POLICE STATION,
THRISSUR DISTRICT - 680 001.
2. THE SUPERINTENDENT OF POLICE (RURAL)
THRISSUR - 680 001.
3. KUNJAPPAN @ ANEESH,
AGED 26 YEARS, S/O. MAACHINGAL SUGUNAN,
EDATHIRUTHI, KODUNGALLOOR - 680 664.
4. PRAJEESH, AGED 27 YEARS,
S/O. PALLIPARAMBIL PRAKASAN,
PALLIPARAMBIL HOUSE, EDATHIRUTHI,
KODUNGALLL - 680 664.
5. SANDHYA, AGED NOT KNOWN TO THE PETITIONER,
W/O. MAARAATH SANTHOSH, MAARAATH HOUSE,
EDATHIRUTHI, KODUNGALLOOR - 680 664.

R BY GOVERNMENT PLEADER SMT.KOCHUMOL KODUVATH

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

WP(Crl.).No. 160 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: COPY OF THE CMP NO.3147/2015 PRESENTED ON 17/03/2015.

EXT.P2: COPY OF THE FIR IN CRIME NO.611/2015 OF MATHILAKAM
POLICE STATION.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

PA TO JUDGE.

acd

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

W.P.(Crl) No.160 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 the detenue in this Court and to set her at liberty. The petitioner has averred that his wife, Swapna, aged 44 years is in the illegal custody of respondents 3 to 5, who are her near relatives.

2. When this writ petition came up for hearing today, the petitioner and the detenue were present. The detenue stated in categorical terms that she does not wish to go with her husband and that she is not in the illegal custody of respondents 3 to 5.

3. The learned Government Pleader appearing for the official respondents on instruction submitted that in connection with Crime No.611/2015 of Mathilakam Police Station, she was produced in the Court of the Judicial First Class Magistrate-I, Kodungalloor and after recording her statement, she was allowed to go with her parents. In the light of the categorical statement by the detinue to the effect that she is not under the illegal custody of respondents 3 to 5 and that she does not go with the petitioner, we are of the opinion that the relief sought in this writ petition cannot be granted. The remedy of the petitioner lies elsewhere.

The writ petition fails and it is accordingly dismissed.

P.N. RAVINDRAN, JUDGE.

P.D. RAJAN, JUDGE.

