

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 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(Crl.).No. 183 of 2015 (S)  
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PETITIONER(S)/PETITIONER:  
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KISHORE KUMAR.P, AGED 49 YEARS,  
S/O.K.PARAMESHWARAN PILLAI,  
MENON VEEDU(SANTHA BHAVANAM), PUZHAVATHU,  
CHANGANACHERRY, PIN-686 101.

BY ADVS.SRI.K.SHAJ  
SRI.SAJJU.S

RESPONDENT(S)/RESPONDENTS:  
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1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME,  
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR GENERAL OF POLICE,  
KERALA, THIRUVANANTHAPURAM-695 004.
3. THE DISTRICT POLICE CHIEF,  
KOTTAYAM DISTRICT-686 001.
4. CIRCLE INSPECTOR OF POLICE,  
CHANGANACHERRY, KOTTAYAM DISTRICT-686 103.
5. SUB INSPECTOR OF POLICE,  
CHANGANACHERRY POLICE STATION,  
KOTTAYAM DISTRICT-686 103.
6. SAIFUDDIN SALAM,, AGED 25 YEARS,  
S/O.SALAM, KOLLANPARAMBIL, PUZHAVATHU,  
CHANGANACHERRY, PIN-686 101.
7. SALAM,, AGED 60 YEARS,  
KOLLANPARAMBIL, PUZHAVATHU, CHANGANACHERRY,  
PIN-686 101.

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**WP(Crl.).No. 183 of 2015 (S)**  
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**R1-R5 BY ADDL.DIRECTOR GENERAL OF PROSECUTION  
R6 BY ADV. SRI.MANSOOR.B.H.  
R7 BY ADVS. SRI.R.SURAJ KUMAR  
SRI.SUNIL J.CHAKKALACKAL  
SMT.V.BEENA  
SMT.V.DEEPA  
GOVERNMENT PLEADER SRI. P.S.ABDUL KAREEM.**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON  
10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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**WP(Crl.).No. 183 of 2015 (S)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1        TRUE COPY OF EXTRACT OF THE PAGE OF THE PASSPORT OF  
MALAVIKA.S.MENON.**

**RESPONDENT(S)' EXHIBITS**  
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**EXT.R7(a)     COPY OF THE CERTIFICATE OF MARRIAGE DATED 08.07.2015.**

*//True Copy//*

*P.A. to Judge*

SS

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

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W.P.(Crl.) No. 183 of 2015

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Dated this the 10<sup>th</sup> day of July, 2015

**JUDGMENT**

C.K. Abdul Rehim, J

Averments in the writ petition is to the effect that, the petitioner's daughter, Kumari.Malavika S.Menon, who is a first year student of B.Com Degree in Rajagiri College, Kakanad, Ernakulam, is being detained illegally by respondents 6 and 7. Allegation is that, the petitioner's daughter is missing from 30.04.2015 onwards and a case with respect to her missing was registered by the 5<sup>th</sup> respondent as Crime No.1412/2015 of Changanassery police station, under Section 57 of the Kerala Police Act, based on a complaint lodged by the petitioner. It is further alleged that the petitioner came to know that his daughter is under illegal confinement by respondents 6 and 7. Therefore this case is filed seeking a writ of Habeas Corpus for production of the alleged detainee and to set her at

liberty.

2. Pursuant to orders issued by this court on various dates, the alleged detainee appeared before this court on 08.05.2015. The detainee was not willing to go along with the petitioner and she expressed desire to live with the 6<sup>th</sup> respondent. But having found that there exists no legally valid marriage between the 6<sup>th</sup> respondent and the alleged detainee, she was admitted to a hostel under orders of this court. Subsequently, the 6<sup>th</sup> respondent informed this court that a notice of intimation for solemnizing marriage under the Special Marriage Act was already forwarded to the Marriage Officer, Kottayam, on 15.05.2015 and it was registered at that office on 18.05.2015. Considering the entire circumstances prevailing this court on 08.06.2015 ordered to shift the alleged detainee to another hostel and her parents were permitted to have access and interaction with the alleged detainee. Thereafter, by virtue of orders issued by this

court, the petitioner and relatives of the alleged detainee was permitted to provide counselling to her through any qualified counsellors or clinical psychologists, based on an apprehension expressed by the petitioner that the alleged detainee is not matured enough to take a wise and prudent decision with respect to her future life, as well as with respect to her future education. However, despite repeated postings of the case, the alleged detainee expressed her adamant stand to marry the 6<sup>th</sup> respondent on the basis of the notice already registered on 18.05.2015. Hence this court permitted the parties to solemnize the marriage, for which the alleged detainee was permitted to appear before the Marriage Officer, Changanassery on 08.07.2015.

4. Today when the case is taken up, the 7<sup>th</sup> respondent had produced copy of a Marriage Certificate issued under the Special Marriage Act, along with I.A.No.9778/2015, marking the said documents as Ext.R7 (a). The certificate would indicate that, marriage between

the alleged detenue Malavika S.Menon and the 6<sup>th</sup> respondent was solemnized on 08.07.2015. Both of them are personally present before this court. They expressed desire to live together as husband and wife at the residence of respondents 6 and 7.

Under the above mentioned circumstances, this writ petition is hereby disposed of by observing that the alleged detenue Malavika S.Menon is not under any illegal confinement, at present. She is set at liberty and permitted to go along with the 6<sup>th</sup> respondent to lead a marital life at any place of their choice.

Sd/-  
**C.K. Abdul Rehim, Judge**

Sd/-  
**K. Ramakrishnan, Judge**

*// True Copy//*

*P.A. to Judge*