

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(Crl.).No. 184 of 2015 (S)

PETITIONER(S):

**USHA MOHANAN, AGED 51 YEARS,
W/O. MOHANAN, REVATHY HOUSE, KANNACHANTHOUD ROAD,
AYYAPPANKAVU, ERNAKULAM, PIN-682 018.**

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. SUPERINTENDENT OF POLICE,
ERNAKULAM DISTRICT-682 031.**
- 3. ASSISTANT COMMISSIONER OF POLICE,
TRIKKAKARA, ERNAKULAM DISTRICT-682 022.**
- 4. SUB INSPECTOR OF POLICE,
TRIPUNITHURA POLICE STATION,
ERNAKULAM DISTRICT-682 301.**
- 5. ANJALI ANIL, AGED 21 YEARS,
ANJALI BHAVAN KALLARACKAL(H), VADASSERIKKARA,
SEETHATHODU, PATHANAMTHITTA-689 667.**

**R1 TO R4 BY DIRECTOR GENERAL OF PROSECUTION
R5 BY ADVS. SRI.K.N.CHANDRABABU
SRI.K.DHANESH KUMAR
GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

:2:

WP(Crl.).No. 184 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - THE TRUE COPY OF THE LICENSE ALONG WITH RELEVANT DOCUMENT.**
- EXT.P2 - THE TRUE COPY OF THE TESTIMONIAL STATEMENT GIVEN BY GENERAL SECRETARY, KANICHUKULANGARA DEVI TEMPLE, CHERTHALA, ALAPUZHA DATED 04/09/2014**
- EXT.P3 - THE TRUE COPY OF THE COMPLAINT DATED 22/04/2015 FILED BEFORE THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

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- EXT. R5A ONE OF THE TRUE PHOTOGRAPH SHOWING SIPPING BEER BY THE PETITIONER WHICH IS SENT BY THE PETITIONER TO HER SON IN e-MAIL AND PASSED IT OVER TO THE 5TH RESPONDENT.**
- EXT.R5B TRUE PHOTOGRAPHS TAKEN AT THE TIME OF MARRIAGE**

// True Copy//

P.A. to Judge

SS

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

W.P.(Crl.) No.184 of 2015

Dated this the 26th day of May, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner herein who is the mother of Sri. Vinesh Mohanan, aged 26 years, is seeking a writ of habeas corpus directing production of his corpus and to get him released from the alleged illegal custody of the 5th respondent.

2. Pursuant to notice issued from this court, the 5th respondent appeared through counsel on 12.05.2015 and sought time to file counter affidavit. The alleged detainee Sri.Vinesh Mohanan was present before this court on that date. On interaction with him, this court was convinced that he is not under confinement of the 5th respondent and that he is free to move according to his wishes. He stated that, he wants to go along with the petitioner. This court observed that he is not under illegal confinement and

permitted to do so. Thereafter when the matter was posted on 15.05.2015 the 5th respondent as well as the alleged detainee were personally present. This court permitted them to talk each other. But no amicable settlement could be brought out with respect to the dispute between the alleged detainee and the 5th respondent which are arising out of their matrimonial tie up. The 5th respondent had filed counter affidavit raising so many allegations against the alleged detainee as well as against his mother.

3. Today when the matter is posted for further consideration, the parties are present. We have again interacted with the alleged detainee Sri.Vinesh Mohanan, he said that he is now staying with the petitioner on his free will and is not under any illegal confinement. He also said that he does not want to go along with the 5th respondent.

4. We are of the considered opinion that there is no illegal confinement of the alleged detainee Sri.Vinesh Mohanan, as alleged in the writ petition. Hence the

circumstance does not warrant interference of this court. We are of the opinion that the alleged detainee being a major, aged 26 years, is at liberty to move around or to reside at any place of his own choice. It is left open to the 5th respondent or the alleged detainee to initiate appropriate proceedings before appropriate forum in order to sort out the matrimonial disputes.

Hence the writ petition is hereby dismissed. We make it clear that, we have not taken on record any of the contentions raised by either parties in the pleadings filed before this court.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge