

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(Crl.).No. 185 of 2015 (S)

PETITIONER:

**VISHWAMMA,
AGED 45 YEARS, W/O.REMANAN, MATHERUPADAVIL VEETIL
BHUDANOOR KIZHAKKU MURI, ENNAKKADU VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE SUPERINTENDENT OF POLICE,
ALAPPUZHA, ALAPPUZHA DISTRICT - 688 001.**
- 4. CIRCLE INSPECTOR OF POLICE,
CHENGANNUR, ALAPPUZHA DISTRICT - 689 121.**
- 5. THE SUB INSPECTOR OF POLICE,
MANNAR, ALAPPUZHA DISTRICT - 688 001.**
- 6. SHAMKUMAR,
AGED 25 YEARS, S/O.SASI, PALACHUVADU LAKSHAM VEEDU COLONY
PULIYOOR MURI, PULIYOOR VILLAGE, CHENGANOOR TALUK
ALAPPUZHA DISTRICT - 689 121.**
- 7. SASI, AGED ABOUT 55 YEARS
S/O.SASI, PALACHUVADU LAKSHAM VEEDU COLONY
PULIYOOR MURI, PULIYOOR VILLAGE, CHENGANOOR TALUK
ALAPPUZHA DISTRICT - 689 125.**

**R1-R5 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP.
& SR. GOVT PLEADER SRI. SHIBU JOSEPH.
R6 & 7 BY ADVS. SRI.P.THOMAS GEEVERGHESE
SRI.TONY THOMAS (INCHIPARAMBIL)**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 15-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE FIR IN CRIME NO.575/2015 OF MANNAR POLICE STATION.

EXT.P2. TRUE COPY OF THE RECEIPT NO.25088/2015A DATED 6/4/2015 ISSUED BY THE 3RD RESPONDENT

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 185 OF 2015

DATED THIS THE 15th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

This writ petition was filed with an allegation that the petitioner's daughter Ms. Reshma, who is a minor girl aged 17 years, was illegally detained by respondents 6 & 7, since 26-03-2015 onwards. It is alleged that the petitioner came to know that the 6th respondent had abducted the petitioner's daughter by giving false hopes and promises and was trying to lure her into marriage with oblique motives.

2. Pursuant to order passed by this court, the alleged detainee was produced before this court on 15-05-2015. She submitted that she is living with the 6th respondent and a marriage ceremony was conducted in a Temple on 13-05-2015. The 6th respondent had filed counter affidavit producing proof to the effect that a marriage

under religious rites was solemnised on 13-05-2015. It is further stated that an application for registration of the marriage under the Kerala Registration of Marriages (Common) Rules, 2008 was already submitted to the Local Self Government institution on 20-05-2015. Receipt for payment of fee for the said purpose is also produced as Ext.R6 (d). Under such circumstances this court directed the 6th respondent to obtain and produce Certificate of Marriage with respect to the registration, from the Grama Panchayat.

3. Today when the matter is taken up for consideration the counsel appearing for the 6th respondent had produced a Certificate of Marriage obtained under the Kerala Registration of Marriages (Common) Rules 2008 from the Registrar of Marriages, Kidangoor Grama Panchayat, Kottayam District issued on 06-06-2015. The certificate would indicate that a marriage was solemnised between the alleged detainee, Ms. Reshma and the 6th respondent on 13-05-2015 at Sree Maha Ganapathy Temple Sivaparvathy Kalyana Mandapan, Kidangoor South. It is

evident that the marriage thus conducted is already registered under the above said Rules.

4. Both the 6th respondent as well as the alleged detainee are personally present before this court on today. We notice that the marriage was solemnised after the alleged detainee had attained the age of 18 years, her Date of Birth being 12-05-1997. When we interacted both of them admitted that they are living as husband and wife in the parental house of the 6th respondent.

5. Under the above mentioned circumstances we are convinced that the alleged detainee, Reshma M.R. is not under any illegal confinement as alleged by the petitioner. Hence this writ petition is hereby closed, granting liberty to the alleged detainee as well as the 6th respondent to live as husband and wife at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge