

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(Crl.).No. 189 of 2015 (S)

PETITIONER:

**MINI SABU,
AGED 46 YEARS, W/O.SABU,
KOLLIKAPRAMBIL HOUSE, S VAZHAKKULAM P O
ALUVA 5, ERNAKULAM DIST**

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP
SMT.RESMI THOMAS**

RESPONDENTS:

**1. SUB INSPECTOR OF POLICE
PATTAMBI POLICE STATION,
PALAKKAD DIST, PIN 679303**

**2. RIYAS
S/O.SIDDIQ, MARATHANDANPARAMBIL HOUSE
NAALU CENT COLONY, S EZHIPURAM P O, ALUVA 5
ERNAKULAM DIST , PIN 683005**

**R1-BY ADV. SRI. K.I. ABDUL RASHEED, ADGP &
ADV. SRI.P.S.ABDUL KAREEM, GOVT. PLEADER.**

**R2 BY ADV.SRI.SHYAMDEEP S.SHENOY
SRI.O.S.RAMANUNNI
SRI.T.P.MOHAN RAJ
SRI.NIKHIL BERNY**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 29-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

WP(Crl.).No. 189 of 2015 (S)

APPENDIX

PETITIONER' EXHIBITS

**P1:- TRUE COPY OF THE FIR NO 529/2015 DTD 3/5/2015 OF PATTAMBI
POLICE STATION**

RESPONDENTS' EXHIBITS

**EXT- R2 (A) - TRUE COPY OF THE SALARY CERTIFICATE ISSUED BY MARIYAM
ENTERPRISES IN THE NAME OF 2ND RESPONDENT.**

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 189 OF 2015

DATED THIS THE 29th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Mother of the alleged detainee, Miss.Anuja Sabu is the petitioner in this writ petition, which is filed seeking a writ of Habeas Corpus for directing her production and to set her at liberty, based on an allegation that she is being illegally detained by the 2nd respondent.

2. Averments in the writ petition are to the effect that the petitioner's daughter is missing from 29-04-2015 from the house of a family friend of the petitioner at Pattambi in Palakkad District. Based on a complaint lodged before the 1st respondent, Ext.P1 case was registered as crime No.529/2015 of Pattambi Police Station, with respect to missing of the alleged detainee under Section 57 of the Kerala Police Act. According to the petitioner, information was received to the effect that the alleged detainee is in

illegal custody of the 2nd respondent and on that premise this writ petition is filed seeking for release of the alleged detainee.

3. Pursuant to notice issued by this court, the alleged detainee appeared before this court on 15-05-2015. When we interacted with the alleged detainee she expressed her desire to go along with the 2nd respondent. But since there existed no legally valid marriage between the alleged detainee and the 2nd respondent, we directed the girl to be admitted in a hostel at Ernakulam. The parents of the girl was directed to have interaction with her. Thereafter the case was taken up for further consideration on 28-05-2015. Allegations were raised from the side of the petitioner to the effect that the 2nd respondent is involved in various criminal cases. On that basis we adjourned the case further in order to facilitate the alleged detainee to take an appropriate decision with respect to her relationship with the 2nd respondent. She was again admitted to the very same hostel and the petitioner was permitted to provide her with

adequate counselling. On 15-05-2015 this court again permitted the petitioner to continue with the counselling arranged at Amrita Institute of Medical Sciences, Edapally. However, when the case was taken up for further consideration on 25-05-2015 a report of the Clinical Psychologist of the above said Hospital was produced to the effect that, despite counselling given, the alleged detainee is consistent in her decision to marry the 2nd respondent. The 2nd respondent had filed an affidavit enumerating details regarding the criminal cases in which he happened to be implicated and contended that at present there is no criminal case pending against him.

4. Under the above mentioned circumstances we permitted the 2nd respondent to take steps for solemnization of the marriage under the Special Marriage Act. The alleged detainee was directed to be put in the same hostel. On 13-07-2015 it was reported before this court that, notice regarding the intimation of marriage was given to the Marriage Officer, Perumbavoor on 26-06-2015. On that

basis the alleged detainee was permitted to appear before the Marriage Officer for solemnization of the marriage, on completion of the statutory period of 30 days. The 2nd respondent was directed to produce the Marriage Certificate.

5. Today when the case is called up learned counsel appearing for the 2nd respondent had produced the Certificate of Marriage issued by the Marriage Officer (Sub Registrar), Perumbavoor under Section 13 of the Special Marriage Act, 1952. It is evident that a valid marriage has been registered between the alleged detainee and the 2nd respondent on 27-07-2015. We take note on record the marriage established between alleged detainee and the 2nd respondent.

6. Under the above mentioned circumstances we are of the opinion that the alleged detainee, Miss.Anuja Sabu is not under any illegal confinement at present. Both the alleged detainee and the 2nd respondent are personally present before this court. They said that they are intending

to lead marital life at the house of the 2nd respondent. Therefore, we dispose of this writ petition by setting the alleged detinue at liberty to live along with the 2nd respondent as husband and wife.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge