

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 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(Crl.).No. 193 of 2015 (S)

PETITIONER:

JOSEPH ANTONY,
AGED 48 YEARS, S/O. ANTONY,
RESIDING AT SANDHYAVIL HOUSE
NEAR PLACID SCHOOL, CHETTIPUZHA VILLAGE, CHETHIPUZHA
CHANGANACHERRY, KOTTAYAM DISTRICT.

BY ADVS.SRI.VELLAYANI SUNDARARAJU
SMT.P.MEENAKUMARI

RESPONDENTS:

1. SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE
KOTTAYAM DISTRICT, KOTTAYAM-686001.
2. THE SUB INSPECTOR OF POLICE ,
CHANGANACHERRY POLICE STATION, CHANGANACHERRY-686101.
3. DENNIES,
AGED 26 YEARS
S/O. PAULOSE, OLIPRAKKADU HOUSE,
VETTITHURUTH, CHANGANACHERRY-686101.
4. PAULO @ PAULOSE
FATHER OF DENNIES,
OLIPRAKKADU HOUSE, VETTITHURUTH, CHANGANACHERRY-686101.
5. MRS. OMANA PAULOSE
W/O. PAULOSE, OLIPRAKKADU HOUSE, VETTITHURUTH
CHANGANACHERRY-686101.
6. THE CIRCLE INSPECTOR OF POLICE
CHANGANACHERRY POLICE CIRCLE, CHANGANACHERRY-686101.

R1, R2 & R6 BY ADV. SRI. K.I. ABDUL RASHEED, ADGP &
ADV.SRI. P.S. ABDUL KAREEM, GOVT. PLEADER.

R3 BY ADVS. SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 12-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG

APPENDIX

PETITIONER'S EXHIBITS

- P1 : COPY OF BIRTH CERTIFICATE ISSUED TO PETITIONER ON THE DATE OF BIRTH OF PETITIONER'S DAUGHTER MALU JOSEPH, BY COMPETENT AUTHORITY.**
- P2 : COPY OF SECONDARY SCHOOL LEAVING CERTIFICATE ISSUED TO MALU JOSEPH.**
- P3 : COPIES OF FIR NO.1500/2015 DTD.7.5.2015, STATEMENT OF PETITIONER TO POLICE DTD.7.5.2015 AND EXPRESS EXPORT DTD.7.5.2015 ISSUED TO PETITIONER BY THE SUB INSPECTOR, CHANGANACHERRY.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 193 OF 2015

DATED THIS THE 12th DAY OF AUGUST, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Father of a minor girl, who is alleged to have been abducted by the 3rd respondent on 07-05-2015, is the petitioner herein. Averments in the writ petition are to the effect that the petitioner's daughter, Miss.Malu Joseph, born on 05-06-1997, was studying for plus two course and had written the final examination during March, 2015, the result of which was awaited. It is alleged that the 3rd respondent had enticed the petitioner's daughter and she had left the house of the petitioner on 07-05-2015. Based on a complaint submitted by the petitioner a case was registered as crime No.1500/2015 under Section 57 of the Kerala Police Act, before the 2nd respondent. This writ petition was filed based on the specific allegation that the petitioner's daughter was illegally detained by respondents 3 to 5 against her free will. Respondents 4 & 5 are the

parents of the 3rd respondent. Under the above mentioned circumstances the petitioner is seeking a writ of Habeas Corpus for directing production of the alleged detenue, Miss.Malu Joseph, and to set her at liberty from the illegal confinement of respondents 3 to 5.

2. Based on various orders issued by this court directing the police authorities to trace out the alleged detenue, she was produced before this court on 18-06-2015. When we interacted with the alleged detenue she said that a marriage was conducted with the 3rd respondent at Gujarat. But the petitioner disputed the factum of establishment of any valid marriage. However, when this court interacted with the alleged detenue, she expressed her desire to go along with her parents, for the time being. The detenue was directed to be produced further on 26-06-2015. The matter was again adjourned to 29-06-2015, on which date when this court interacted the alleged detenue she said that she is adamant in her stand with respect to the marriage with the 3rd respnodent. She expressed her desire to go along with the 3rd respondent. However, she was not

at all willing to go along with the petitioner to her parental house. The respondents 3 to 5 expressed the view that a customary marriage under religious rites and ceremonies can be solemnized at their parish church. On that basis we directed the 2nd respondent to admit the alleged detainee at N.S.S. Working Women's Hostel, Changanassery. The respondents 3 to 5 were permitted to make arrangements for solemnization of the marriage at their parish church and to get the same registered under the Kerala Registration of Marriages (Common) Rules.

3. But on 30-07-2015, it was informed before this court that the parish authorities were not willing to solemnize the marriage, since the petitioner has not consented for the same. Therefore we permitted the parties to solemnize the marriage as per the Special Marriage Act, on the basis of the notice of intimation already given. The 2nd respondent was directed to take the alleged detainee from the hostel to the office of the Sub Registrar for solemnization of the marriage.

4. Today when the case is taken up learned counsel appearing for the 3rd respondent had produced the Certificate of Marriage issued by the Marriage Officer, Changanassery dated 11-08-2015. The certificate would indicate that the marriage between the alleged detainee and the 3rd respondent was solemnized under the Special Marriage Act on 11-08-2015. This court takes note on record the valid marriage established between the parties.

5. Under the above mentioned circumstances, this writ petition is disposed of by setting the alleged detainee at liberty to live along with the 3rd respondent 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