

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 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(Crl.).No. 205 of 2015 (S)  
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PETITIONER(S) :  
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NAZIN NAZAR, S/O.NAZAR, AGED 23 YEARS,  
NAZAR MANZIL, KULAMATTAM P.O., KAVALAYOOR,  
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S) :  
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1. DEPUTY SUPERINTENDENT OF POLICE,  
ATTINGAL, THIRUVANANTHAPURAM DISTRICT.
2. THE SUB INSPECTOR OF POLICE,  
KADAKKAVOOR POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT.
3. SREEHARI, S/O.VAMANAN, AGED 20 YEARS,  
AJANTHA, CHEDITHOTTI, KADAKKAVOOR P.O.,  
THIRUVANANTHAPURAM DISTRICT.
4. SREELAKSHMI, D/O.VAMANAN,  
KADAKKAL VILAKATH VEEDU, ANAYARA P.O.,  
THIRUVANANTHAPURAM DISTRICT.

R1 & R2 BY SRI. TOM JOSE PADINJAREKKARA,  
ADDL.DIRECTOR GENERAL OF PROSECUTION

R3 & R4 BY ADV.SRI.M.BALAGOVINDAN  
GOVERNMENT PLEADER SRI.SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON  
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 205 of 2015 (S)  
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APPENDIX

PETITIONER(S) ' EXHIBITS  
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EXT.P1 - TRUE COPY OF THE COMPLAINT OF THE PETITIONER BEFORE THE  
2ND RESPONDENT DATED 11.05.2015

RESPONDENT(S) ' EXHIBITS  
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EXT.R3(a) - TRUE COPY OF THE RECEIPT ISSUED BY THE SUB REGISTRAR  
DATED 11.05.2015

// True Copy//

P.A. to Judge

SS

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

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W.P.(Crl.) No.205 of 2015  
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Dated this the 27<sup>th</sup> day of July, 2015

**JUDGMENT**

**C.K. Abdul Rehim, J**

This writ petition seeking Habeas Corpus directing for production of the petitioner's sister, Miss. Jasna, aged 17 years, is filed based on an allegation that she is being illegally detained by respondents 3 and 4. The 4<sup>th</sup> respondent is the sister of the 3<sup>rd</sup> respondent. Averments in the writ petition are to the effect that, the father of the petitioner and the alleged detainee, Sri.Nazar, had abandoned his family and his whereabouts are not known. Their mother is employed in Gulf and the alleged detainee, Miss.Jasna was under the care and protection of the petitioner. The alleged detainee was studying for 'Plus Two' course. While so she was missing from 10.05.2015 onwards and the enquiries made revealed that she went along with the 3<sup>rd</sup> respondent. But her whereabouts are not known.

The petitioner preferred a complaint before the 2<sup>nd</sup> respondent and on the basis of which a criminal case was registered as Crime No.604/2015 under Section 57 of the Kerala Police Act. Alleging that the police authorities are not taking any effective steps to trace out the alleged detainee and also alleging that she is being illegally detained against her will by respondents 3 and 4, this writ petition is filed.

2. Pursuant to various orders issued by this court, the alleged detainee was traced out and produced before this court on 22.06.2015. It was reported on behalf of respondents 1 and 2 that she was produced before the Judicial First Class Magistrate Court-I, Varkala, on 17.06.2015 and she was directed to be admitted in a Hostel at Varkala. When we interacted with the alleged detainee it is said that she had left her house on 10.06.2015 along with the 3<sup>rd</sup> respondent and was living along with him. She also said that they have solemnized the marriage in a temple at Thiruvananthapuram on 11.06.2015. She expressed her

desire to go along with 3<sup>rd</sup> respondent to live as husband and wife. We noticed that the alleged detainee had completed 18 years on 1.07.2014. It is further noticed that the alleged detainee belongs to Islam whereas the 3<sup>rd</sup> respondent is a Hindu. Hence we found that the marriage alleged to have been solemnized has no legal sanctity. Since there existed no valid marriage, we directed the 2<sup>nd</sup> respondent to admit the alleged detainee at the very same Hostel - Vrindavan Hostel, Varkala. The 3<sup>rd</sup> respondent was directed to take steps to solemnize the marriage under the Special Marriage Act. Thereafter, through order dated 01.07.2015, we permitted the alleged detainee to appear before the Marriage Officer, Kadakkavoor to register the marriage.

3. Today when the case is taken up, learned counsel appearing for the 3<sup>rd</sup> respondent had produced the Certificate of Marriage issued by the Marriage Officer, Kadakkavoor, dated 24.07.2015. It is evident that a valid marriage under provisions of the Special Marriage Act,

1954 has already been solemnized between the alleged detenue and the 3<sup>rd</sup> respondent on the above said date. We take note on record about the said valid marriage.

4. The alleged detenue and the 3<sup>rd</sup> respondent are personally present before this court. They submitted that they are intending to live together as husband and wife in the house of the 3<sup>rd</sup> respondent.

Under the above mentioned circumstances, finding that the alleged detenue is not under any illegal confinement, we dispose of this writ petition setting her at liberty to live together with the 3<sup>rd</sup> respondent as husband and wife.

Sd/-

**C.K. Abdul Rehim, Judge**

Sd/-

**K. Ramakrishnan, Judge**

// True Copy//

P.A. to Judge