

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 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(Crl.).No. 206 of 2015 (S)

PETITIONER:

**JITHIN P. KRISHNAN,
AGED 25 YEARS, S/O.KRISHNANKUTTY,
PANUTHARAYIL HOUSE, KURATHIKADU P.O, MAVELIKKARA**

**BY ADVS.SRI.GEORGE SEBASTIAN
SRI.RAJESH RAJAN**

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE
KURATHIKAD POLICE STATION, ALAPPUZHA DISTRICT-688001**
- 2. SREEKUMAR,
SREE NILAYAM, KURATHIKAD P.O, MAVELIKKARA
ALAPPUZHA DISTRICT-688001**
- 3. RAJAN,
RENJITH BHAVAN, PALLIKKAL EAST, KURATHIKAD P.O
MAVELIKKARA, ALAPPUZHA DISTRICT-688001**
- 4. SADASIVAN,
ARUNIDHAYAM, VATHIKULAM, THEKKEKKARA P.O
MAVELIKKARA, ALAPPUZHA DISTRICT-688001**

**R1 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
SRI.SHIBU JOSEPH, SR. GOVT. PLEADER
R2 TO R4 BY ADVS. SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 13-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONER' EXHIBITS

EXHBITI P1 - A TRUE PHOTOGRAPH OF THE PETITIONER AND DETENUE.

EXHBITI P2 - A TRUE COPY OF THE ADHAR CARD OF THE DETENUE.

EXHBITI P3 - A TRUE COPY OF THE MARK LIST OF THE DETENUE.

**EXHBITI P4 - A TRUE COPY OF THE PRINT OUT OF WHATSAPP COMMUNICATION
BETWEEN THE PETITIONER AND THE DETENUE.**

**EXHBIIT P5 - A TRUE COPY OF THE PRINTOUT OF THE SMS COMMUNICATION
FROM THE DETENUE TO THE PETITIONER.**

**EXHBIIT P6 - A TRUE COPY OF THE PRINTOUT OF THE SMS COMMUNICATION
FROM THE DETENUE TO THE PETITIONER DATED 6-5-2015**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (CrI.) No. 206 OF 2015

DATED THIS THE 13th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

This writ petition is filed based on an allegation that the alleged detainee, Miss. Sreeni Sreekumar, with whom the petitioner is in love, is being illegally detained by respondents 2 to 4. Averments are to the effect that the petitioner and Miss. Sreeni Sreekumar were in love for more than 9 years, they being classmates in the school for so many years. The 2nd respondent is the father of the alleged detainee and respondents 3 & 4 are her close relatives. It is alleged that, the 2nd respondent was ready to give his daughter in marriage to the petitioner and believing such promise the petitioner went abroad to secure a job at Oman. But the 2nd respondent had changed his decision, allegedly due to undue influence exerted by respondents 3 & 4 and the detainee was being harassed to

withdraw from the relationship with the petitioner. The detenue had sent messages to the petitioner informing that she is under illegal detention and on that basis this writ petition is filed seeking for a writ a Habeas Corpus for production of the alleged detenue and to set her at liberty.

2. Based on orders issued by this court the alleged detenue was produced before this court on 26-05-2015. When we interacted with the alleged detenue she said that she is in love with the petitioner. However it was said that she had not fully made up her mind with respect to her future life. On that basis the alleged detenue was permitted to go along with her parents and the case was adjourned to 08-06-2015. When produced again, the alleged detenue took a firm stand and expressed her determination to marry the petitioner. She said that she does not want to go along with her parents. Since there existed no legal marriage between the petitioner and the alleged detenue we directed the alleged detenue to be put in a hostel under orders of this court. The petitioner was directed to take steps to

solemnize the marriage under the Special Marriage Act. On that basis it was reported that, notice regarding intimation of marriage was given to the Marriage Officer, Mavelikkara on 09-06-2015 and that marriage can be solemnised on 10-07-2015. Therefore we permitted the alleged detainee to appear before the Marriage Officer on 10-07-2014 in order to solemnize the marriage.

3. Today when the case is taken up, the petitioner had produced a Certificate of Marriage issued under Section 13 of the Special Marriage Act, 1954. It would indicate that a valid marriage has already been solemnised between the petitioner and the alleged detainee, Miss. Sreeni Sreekumar, on 10-07-2015, before the Marriage Officer, Mavelikkara.

4. Under the above mentioned circumstances we take note of the factum of a valid marriage established between the petitioner and the alleged detainee and also take note of the fact that the alleged detainee is not under any illegal confinement, at present. Both of them are

personally present before this court. They expressed their desire to live together as husband and wife at petitioner's parental house.

5. Under the above mentioned circumstances the writ petition is hereby disposed of by setting the alleged detainee at liberty to live along with petitioner 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