

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(Crl.).No. 208 of 2015 (S)

PETITIONER:

**A.P.JOY,
AGED 49 YEARS, S/O.PAILY,
ATHRUKKUZHIYIL HOUSE, KUREEKKAD P.O.
KUREEKKAD DESOM, KUREEKKAD VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT, PIN 682305**

BY ADV. SRI.V.K.BALACHANDRAN

RESPONDENTS

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695001**
- 2. SUB INSPECTOR OF POLICE
CHOTTANIKKARA POLICE STATION, CHOTTANIKKARA PO
ERNAKULAM DISTRICT, PIN 682314**
- 3. ATHULDAS
S/O.HARIDAS, AGE NOT KNOWN TO THE PETITIONER
RESIDING AT THAKIDIPPURATHU THADATHIL
NEAR CHORAKKUZHY BRIDGE, PUTHUVELY PO, PUTHUVELY DESOM
VELIYANNOOR VILLAGE, KOTTAYAM DISTRICT, PIN 686636.**
- 4. HARIDAS
FATHER'S NAME NOT KNOWN TO THE PETITIONER
RESIDING AT THAKIDIPPURATHU THADATHIL
NEAR CHORAKKUZHY BRIDGE, PUTHUVELY PO, PUTHUVELY DESOM
VELIYANNUR VILLAGE, KOTTAYAM DISTRICT, PIN 686636**
- 5. MERIL, AGED 24 YEARS
FATHER'S NAME NOT KNOWN TO THE PETITIONER, TRAINEE
HR DEPARTMENT, OEN INDIA LIMITED, ELECTROGIRI
VETTIKKAL PO, KANAYANNOOR TALUK, ERNAKULAM DISTRICT.
PIN 682314**

**R1&2 BY GOVT. PLEADER SMT. KOCHUMOL KODUVATH WITH
DIRECTOR GENERAL OF PROSECUTIONS, ADV.SRI. ASAF ALI.**

**R5 BY ADVS. SRI.BABU CHERUKARA
SRI.PRAMOD KUMAR**

R3,R4 BY ADV. SRI.PEEYUS A.KOTTAM

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 30-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

APPENDIX

PETITIONER' EXHIBITS

- P1: TRUE COPY OF THE BIRTH CERTIFICATE OF GEETHU JOY ISSUED FROM THE CORPORATION OF KOCHI DATED 11.07.2011.**
- P2: TRUE COPY OF THE IDENTIFY CARD OF GEETHU JOY ISSUED FROM ST. EPHREM SEMINARY PUBLIC SCHOOL, VETTIKKAL**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 208 OF 2015

DATED THIS THE 30th DAY OF JUNE, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Father of a missing girl aged 18 years is before this court seeking a writ of Habeas Corpus for directing production of her corpus and to set her at liberty.

2. Allegation is that, the daughter of the petitioner, Miss. Geethu Joy, had left her house on the evening of 15-05-2015 and was missing since then. On searching the house, a note written by Miss. Geethu Joy was recovered wherein it is mentioned that she is going along with her lover, the 3rd respondent herein. On the basis of a complaint lodged by the petitioner, a case was registered with respect to missing of the alleged detainee as Crime No.304/2015 of Chottanikkara Police Station. It is alleged that the 3rd respondent had not even completed the age of 21 years and could not enter into a valid marriage with the petitioner's

daughter. Therefore it is alleged that the petitioner's daughter Miss. Geethu Joy is under illegal confinement of 3rd respondent and the respondents 4 & 5. The 4th respondent is the father of the 3rd respondent and the 5th respondent is alleged to be a friend of the 3rd respondent.

3. Pursuant to notice issued from this court, the 3rd respondent along with the alleged detainee appeared before this court on 26-05-2015. When we interacted, the alleged detainee said that they have conducted marriage ceremony at a Hindu Temple and she is intending to live with the 3rd respondent at his house. This court found that there is no legal sanctity for the alleged marriage conducted. Therefore it was felt that it is not proper and justifiable to permit the alleged detainee to go along with respondents 3 & 4. Further the alleged detainee was not willing to go along with the petitioner to her parental house. Under such circumstances Miss. Geethu Joy was admitted to a Hostel at Ernakulam under orders of this court. Thereafter the case was adjourned on two more occasions and the parents

were permitted to have interaction with her with respect to proper arrangements to be made for pursuing studies of the alleged detainee and to help her to take a prudent and matured decision with respect to her future life.

4. On the last occasion when the case was posted on 19-06-2015, the petitioner submitted that he had arranged admission for the alleged detainee at an institution at Kaloor for pursuing studies in BBA course. On that basis the case is adjourned to today to arrive at a final decision with respect to admission of the alleged detainee and with respect to her continued stay during the time of pursuing her studies.

5. Today, the alleged detainee is produced from the Hostel where she was staying. When we interacted with the alleged detainee she said that she is intending to pursue her studies on the basis of the admission secured by the petitioner. It is said that she is attending interview on tomorrow and the classes will start on 06-07-2015. She expressed willingness to go along with the petitioner to the parental house and to pursue her studies. According to her,

a decision with respect to her future life and marriage will be taken after completing her studies.

6. Under the above mentioned circumstances we do not think there exist any circumstances warranting interference of this court to issue a writ of Habeas Corpus on the premise that the alleged detainee Miss. Geethu Joy is under illegal confinement in any manner. Therefore the writ petition is disposed of by setting her at liberty to go along with the petitioner.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge