

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 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(Crl.).No. 210 of 2015 (S)  
-----

PETITIONER(S):  
-----

ALOK R. RAJEEV, AGED 22 YEARS,  
S/O.SRI.R.RAJEEV,  
PRODUCTION SUPERVISOR IN PARISONS LIBERTY,  
RESIDING IN CHARUVILA VEETIL, MUTHANA AMSOM DESOM,  
VARKALA TALUK.

BY ADVS.SRI.C.KHALID  
SRI.PHIJO PRADEESH PHILIP

RESPONDENT(S):  
-----

1. C.I. OF POLICE,  
KONDOTTY POLICE STATION, MALAPPURAM DISTRICT - 676 507.
2. SRI.JAYAPRAKASH P.C., AGED 53 YEARS,  
S/O.NARYANAN NAIR, CHELAKKARA VEEDU, KAITHAKKNADA,  
IYKKARAPPADY, MALAPPURAM DISTRICT,  
WITH IN KONDOTTY POLICE - 676 505.
3. SMT.SATHI, W/O.JAYAPRAKASH,AGED 45 YEARS,  
CHELAKKARA VEEDU, KAITHAKKNADA, IYKKARAPPADY,  
MALAPPURAM DISTRICT, WITH IN KONDOTTY POLICE - 676 505.

R1 BY DIRECTOR GENERAL OF PROSECUTION  
GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON  
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP(Crl.).No. 210 of 2015 (S)

-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

-----

- P1: THE COPY OF THE MARRIAGE PHOTOGRAPH OF THE PETITIONER AND DETENUE IN FRONT OF THE DEITY IN THE TEMPLE.**
- P2: THE COPY OF THE MARRIAGE PHOTOGRAPH OF THE PETITIONER AND DETENUE AFTER THE PERFORMANCE OF THE CUSTOMARY GARLANDING**
- P3: THE COPY OF THE FIR IN CRIME NO.579/2015 REGISTERED BY THE KONDOTTY POLICE DTED 18/04/2015.**
- P4: THE TRUE COPY OF THE STATEMENT OF DETENUE BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE.**
- P5: THE COPY OF THE AFFIDAVIT FILED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE MALAPPURAM DATED ON 27/04/2015.**
- P6: THE COPY OF THE AGREEMENT DULY SIGNED BY PETITIONER AND DETENUE BEFORE THE NOTARY PUBLIC DATED ON 19/4/2015.**
- P7: COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, MALAPPURAM, DATED 28/04/2015.**

**RESPONDENT(S)' EXHIBITS**

-----

: NIL

*// True Copy//*

*P.A. to Judge*

SS

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

---

W.P.(Crl.) No.210 of 2015

---

Dated this the 26<sup>th</sup> day of May, 2015

**JUDGMENT**

C.K. Abdul Rehim, J

The petitioner is seeking a writ of habeas corpus directing production of corpus of Miss.Anju, daughter of respondents 2 and 3, and to pass appropriate orders setting her at liberty.

2. Allegation is that, Miss.Anju is illegally detained by respondents 2 and 3. Averments in the writ petition is that the petitioner and Miss.Anju were in love and vowed to get married after completion of their studies with the permission of their parents, if possible. But the respondents 2 and 3 opposed their marriage. Therefore Miss. Anju left her parental house and went along with the petitioner to a Hindu Shrine in Tamil Nadu, for undergoing marriage. It is stated that on 17.04.2015 they went to a

Hindu Temple at Salem and got married according to customary rights. The parents lodged a criminal complaint with respect to missing of Miss.Anju, based on which Ext.P3 crime was registered at Kondotty police station on 18.04.2015, under Section 57 of the Kerala Police Act. It is stated that the alleged detainee Miss.Anju had appeared before the Judicial First Class Magistrate Court, Malappuram in the above said case and gave Ext.P4 statement, to the effect that she had gone with the petitioner on her own will and that she wants to go along with the petitioner. The petitioner had also filed an affidavit before that court as per Ext.P5, swearing that they have undergone a valid customary marriage on 20.04.2015 and also executed a marriage agreement in the presence of a Notary Public, as evidenced from Ext.P6. Learned Magistrate opined that the marriage should be registered under the Special Marriage Act and ordered that until the marriage is registered, Miss.Anju must stay in Mahila

Mandir, Kondotty. It is alleged that while Miss.Anju was staying at Mahila Mandir, the respondents 2 and 3 had forced her to leave that place and they took her to their house. Allegation is that, the alleged detainee is being kept under wrongful confinement of respondents 2 and 3.

3. Pursuant to order passed by this court on 20.05.2015, the alleged detainee is produced before this court by respondents 2 and 3. We have interacted with the alleged detainee as well as with respondents 2 and 3, separately. The alleged detainee Miss.Anju had stated that she is not in any illegal confinement of her parents as alleged and that she is staying with them on her own will. She had categorically stated that there is no legal marriage solemnized with the petitioner. Even though she had admitted about the fact that she had went along with the petitioner and lived with him for few days, she had now changed her mind and does not want to go along with the petitioner or to have the marriage registered with the

petitioner under the Special Marriage Act. Respondents 2 and 3 said that, they have submitted an application before the Judicial First Class Magistrate Court, Malappuram, to permit the alleged detainee to go along with them, and the Magistrate had passed an order accordingly, on a subsequent date.

4. As far as this writ petition is concerned, which is filed seeking a writ of habeas corpus, we need only to consider as to whether the alleged detainee is any illegal confinement. From the interaction we had with the detainee and the parents, we are convinced that the alleged detainee Miss.Anju is not in any illegal confinement of respondents 2 and 3. Learned counsel appearing for the petitioner sought indulgence of this court in permitting the alleged detainee to have a talk with the petitioner. When we put a specific question to the alleged detainee in this regard, she submitted that she does not want to talk with the petitioner. On behalf of the petitioner it is contended that there exists a

legally valid marriage. We do not propose to have any adjudication on such issues, which are left open to the parties to agitate before appropriate forum, if so advised.

Since we are convinced that there exists no illegal confinement as alleged in the writ petition, there is no circumstances warranting issuance of any orders in this writ petition.

Hence the writ petition is hereby dismissed.

Sd/-  
**C.K. Abdul Rehim, Judge**

Sd/-  
**K. Ramakrishnan, Judge**

*// True Copy//*

P.A. to Judge