

**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 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937**

**WP(Crl.).No. 211 of 2015 (S)**  
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**PETITIONER :**  
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**RAJAN, AGED 49 YEARS  
S/O.SURENDRAN, ANIYARA, KANNUR P.O.,  
NEAR KANCHIKAMAKSHI AMMAN KOVIL,  
SOUTH BAZAR KANNUR  
KANNUR DISTRICT, PIN-670 001.**

**BY ADV. SRI.M.G.SREEJITH**

**RESPONDENT(S) :**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, HOME AFFAIRS  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM  
PIN-695 001.**
- 2. SUPERINTEND OF POLICE, KANNUR,  
KANNUR DISTRICT, PIN-670 001.**
- 3. THE SUB INSPECTOR OF POLICE,  
TOWN POLICE STATION, KANNUR, PIN-670 001.**
- 4. IBRAHIM,  
S/O.KAMMEL HAJI, AGED 49 YEARS  
HOUSE NUMBER/NAME NOT KNOWN TO THIS PETITIONER  
NEAR AYIPPUZHA PALAM  
WITHIN THE JURISDICTION OF IRIKKUR POLICE STATION  
IRIKKUR, KANNUR DISTRICT, PHONE NO.9633818200  
PIN-670 593.**
- 5. AJI  
S/O.NOT KNOWN TO THIS PETITIONER  
AGED ABOUT 38 YEARS  
AUTO RICKSHAW DRIVER AT KANNUR TOWN, PUTHIYATHERUVU  
KOTTAKKUNNU  
WITHIN THE JURISIDITION OF VALAPATTANAM POLICE STATION  
PIN-670001.**

6. T.P. NOUFAL,  
AGED ABOUT 38 YEARS  
S/O. NOT KNOWN TO THIS PETITIONER,  
PACHISTORE, KANNUR, AACHOORE VIA.,  
WITHIN THE JURISDICTION OF CHAKKARAKAL POLICE STATION  
PIN-670 001.

R1 TO R3 BY PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD  
ON 27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

Mn

...3/-

**WP(Crl.).No. 211 of 2015 (S)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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**EXT. P1 :        TRUE COPY OF THE COMPLAINT DATED 18-7-2014 GIVEN TO THE 3RD  
RESPONDENT.**

**EXT. P2 :        TRUE COPY OF THE COMPLAINT GIVEN TO THE HUMAN RIGHTS  
COMMISSION.**

**EXT. P3 :        TRUE COPY OF THE LETTER DATED 15-5-2015.**

**RESPONDENT(S)' EXHIBITS :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

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

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**W.P (Crl.) No. 211 OF 2015**  
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DATED THIS THE 27<sup>th</sup> DAY OF MAY, 2015

**J U D G M E N T**

Abdul Rehim, J:

This petition is filed seeking a writ of Habeas Corpus based on the allegation that the wife of the petitioner Smt. Radhamani and daughter of the petitioner Miss. Aswathy are being illegally detained by respondents 4 to 6. Averments in the petition are to the effect that, the petitioner was taken into police custody in connection with Crime No.342/2013 of Edakkad police station and the respondents 4 to 6 were helping his wife and daughter to bail out him. It is alleged that taking advantage of such a situation the said respondents have created illicit relationship with the petitioner's wife and she had left the company of the petitioner and started independent life along with the daughter. It is further alleged that respondents 4 to 6 are involved several criminal activities

and they are threatening the petitioner to restrain him from contacting his wife and daughter. On the basis of the above averment the petitioner alleges that his wife and daughter are illegally detained by respondents 4 to 6.

2. Notice issued from this court to respondents 4 to 6 were returned with an endorsement that the respondent 4 & 6 are 'not in station' and the name of the 5<sup>th</sup> respondent differs. However, the alleged detenues Smt. Radhamani and Miss. Aswathy appeared before this court on today, on instructions of the 3<sup>rd</sup> respondent. We have interacted with the alleged detainee Smt. Radhamani. She stated that the petitioner and herself are living separated since the year 2013 onwards, when the petitioner was arrested in connection with the criminal case. She made complaints that, after getting bail in the said case the petitioner had inflicted severe assault on her. According to the alleged detainee, she is now living at Thaliparamba along with her daughter Miss. Aswathy in the rented house and that she is employed in a private Ayurvedic Hospital. It is categorically

mentioned that she had no acquaintance or connection with respondents 4 to 6. It is further submitted that an application filed by her seeking dissolution of the marriage with the petitioner, on the grounds under Section 13 (1) (ia) of the Hindu Marriage Act, was already allowed by the Family Court, Kannur, as per judgment in OP No.570/2014 dated 06-03-2015. Specific statement made by the alleged detenue is that she is living along with her daughter on her own will at Thaliparamba and that she is not in illegal confinement of anybody, as alleged.

3. Under the above mentioned circumstances we do not find any ground to hold that the alleged detenues are under illegal confinement of respondents 4 to 6. Therefore the writ petition fails and the same is hereby dismissed.

Sd/-

**C.K. ABDUL REHIM, JUDGE.**

Sd/-

**K. RAMAKRISHNAN, JUDGE.**

AMG

True copy

P.A. to Judge