

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 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(Crl.).No. 218 of 2015 (S)

PETITIONER(S):

MOHAMMED ANAS,
AGED 21 YEARS, S/O.HAMEED, ALIKKAPARAMBIL HOUSE,
BIG BAZAAR, PERINTHALMANNA, MALAPPURAM.

BY ADVS.SRI.C.M.KAMMAPPU
SRI.MANSOOR.B.H.

RESPONDENT(S):

1. STATE POLICE CHIEF,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM 695 001.
2. DISTRICT POLICE CHIEF, MALAPPURAM - 676 505.
3. STATION HOUSE OFFICER,
PERINTHALMANNA POLICE STATION, MALAPPURAM - 679 322.
4. N.P.MOHAMMED, AGED 55 YEARS,
NEDUPARAMBIL HOUSE, PONNIAKURISSI,
PERINTHALMANNA P.O., MALAPPURAM- 679 322.

R1- R3 BY GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH WITH
SRI. T. ASAF ALI, DIRECTOR GENERAL OF PROSECUTION.

R4 BY ADV. SRI.U.K.DEVIDAS

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP(Crl.).No. 218 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: PHOTOGRAPHS OF THE PETITIONER AND THE DETENUE

RESPONDENT(S)' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.218 of 2015

Dated this the 10th day of June, 2015

JUDGMENT

C.K. Abdul Rehim, J

This petition is filed seeking a writ of Habeas Corpus for directing production of the corpus of Miss.Jamshiya, aged 19 years, daughter of 4th respondent, and to set her at liberty.

2. Allegation in the writ petition is that the petitioner and Miss.Jamshiya had fallen in love and planned to live together. The 4th respondent, who is the father of Miss.Jamshiya is against the affair and is not allowing Miss.Jamshiya to attend the classes. It is alleged that Miss.Jamshiya is under illegal confinement of the 4th respondent against her free wish and will.

3. On 27.05.2015, the alleged detainee Miss.Jamshiya was produced before this court by the 4th respondent. On interaction with the alleged detainee, she made complaint that the 4th respondent is not allowing her to go to college. She also expressed her desire to marry the petitioner.

The 4th respondent, on interaction promised that, he will allow the alleged detainee to continue her studies during the next academic year. With respect to the alliance proposed with the petitioner, the 4th respondent expressed the view that, he is not proposing to give his daughter in marriage at present because she had only completed first year degree course. He said that he may require time to think of alliance with the alleged detainee. Under such circumstances, we have adjourned the case granting time to the parties to have further interactions and to settle the issues with respect to the proposal for marriage.

4. Today when the matter is taken up, the alleged detainee Miss.Jamshiya is produced by the 4th respondent. We have interacted with Miss.Jamshiya, she said that the 4th respondent had promised to permit her to continue her studies. It is also said that the 4th respondent had promised to think of having marriage with the petitioner in future, in accordance with the then prevailing circumstances. However, it is categorically said by the alleged detainee that, she wants to go along with the 4th respondent and that she is not in any manner illegally confined at the house of the 4th respondent.

5. Under the above mentioned circumstances, we

are of the considered opinion that there is no circumstances warranting issuance of any writ of habeas corpus, directing release of the alleged detainee Miss.Jamshiya. We are convinced that Miss.Jamshiya is not in any manner under confinement of the 4th respondent or her family members.

Therefore the writ petition is hereby disposed of by allowing the alleged detainee Miss.Jamshiya to go along with the 4th respondent.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

ss