

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYASHTA, 1937

WP(Crl.).No. 221 of 2015 (S)

PETITIONER(S):

**MUHAMMED ANAS, S/O.ABDULLA,
AGED 28 YEARS, 'SAFIYAS', KURUVA,
P.O. KADALAYI, KANNUR (DIST).**

**BY ADVS.SMT.K.DEEPA (PAYYANUR),
SRI.V.R.NASAR.**

RESPONDENT(S):

- 1. SUPERINTENDENT OF POLICE,
KANNUR DISTRICT, PIN -670 001.**
- 2. SUB INSPECTOR OF POLICE,
KANNUR TOWN POLICE STATION,
KANNUR DISTRICT, PIN- 670 001.**
- 3. K. RAGHAVAN,
S/O.NOT KNOWN, AGED 60 YEARS, 'VIDYA NIVAS',
MOOLAMKAVU, NOOLPUZHA, SULTHAN BATHERY,
WAYANAD DISTRICT, PIN- 679 592.**
- 4. ARUN, S/O.KRISHNAMOORTHY,
AGED 32 YEARS, 'VIDYA NIVAS', MOOLAMKAVU,
NOOLPUZHA, SULTHAN BATHERY,
WAYANAD DISTRICT, PIN- 679 592.**

**R1 & R2 BY SR. GOVT. PLEADER SRI.SHIBU JOSEPH.
R3 & R4 BY ADV. SRI.C.K.MOHANAN.**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(Crl.).No. 221 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- JOINT PHOTO OF THE PETITIONER AND THE DETENUE.
- P2- ACKNOWLEDGMENT RECEIPT DATED 25.04.2015 ISSUED UNDER FORM T.R.5 FROM THE SUB REGISTRAR OFFICE, KANNUR.
- P3- TRUE COPY OF THE COMPLAINT DATED 23.05.2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

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

W.P (Crl.) No. 221 OF 2015

DATED THIS THE 4th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

This petition is seeking a writ of Habeas Corpus for directing production of the corpus of Miss. B. Sandya, daughter of the 3rd respondent and to set her at liberty, based on an allegation that she is being illegally detained by respondents 3 & 4. It is averred that the petitioner and the alleged detainee have given the notice of intimation of marriage before the Marriage Officer, Kannur for solemnising their marriage under the Special Marriage Act. But when the said fact came to the notice of respondents 3 & 4, they have forcefully taken away the alleged detainee and is illegally detained against her free will, is the allegation.

2. Pursuant to orders issued from this court, the alleged detainee, Miss. B. Sandya was produced before this

court on 29-05-2015. On interaction with her it was revealed that she had decided to marry the petitioner on the basis of notice of intimation already given on 25-04-2015. She expressed desire to go along with the petitioner. But since there existed no legally valid marriage, the court was not inclined to permit her to go along with the petitioner. On the direction of this court the alleged detenue Miss. Sandya was put at Santhinikethan Hostel, Pachalam, Ernakulam with permission granted for her to appear before the Marriage Officer on 02-06-2015.

3. Today when the case is taken up for consideration, a copy of the Certificate of Marriage issued by the Marriage Officer, Kannur is produced before us. It would indicate that marriage between the petitioner and Miss. B. Sandya, daughter of the 3rd respondent, was solemnised under the Special Marriage Act, 1954, on 02-05-2015. Both the parties to the marriage are personally present before this court. They expressed desire to live together as husband and wife at place of their own choice.

4. Under the above mentioned circumstances the above writ petition is disposed of by recording the legal marriage which came into existence between the petitioner and the alleged detainee, Miss. B. Sandya. Both of them are set at liberty to live 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