

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 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(Crl.).No. 223 of 2015 (S)

PETITIONER(S):

1. RADHAMANI, AGED 50 YEARS, W/O.RAJU,
MADATHIL HOUSE, KALAVAMKODAM P.O., CHERTHALA-688 524,
ALAPPUZHA DISTRICT.
2. RAJU.V., AGED 54 YEARS, S/O.LATE VELAYUDHAN,
MADATHIL HOUSE, KALAVAMKODAM P.O., CHERTHALA-688 524.
ALAPPUZHA DISTRICT.

BY ADVS.SRI.ANIL S.RAJ
SMT.K.N.RAJANI
SRI.RADHIKA RAJASEKHARAN P.

RESPONDENT(S):

1. THE CIRCLE INSPECTOR OF POLICE, CHERTHALA-688 524.
2. SUB INSPECTOR OF POLICE, CHERTHALA,
ALAPPUZHA DISTRICT-688 524.
3. GIREESH @ SREEKUMAR, AGED 30 YEARS, S/O.LATE APPU,
NIKARTHIL HOUSE, CMC-5, CHERTHALA-688 524,
ALAPPUZHA.
4. SHITHA, AGED 25 YEARS, WFE OF GIREESH @ SREEKUMAR,
NIKARTHIL HOUSE, CMC-5, CHERTHALA-688 524,
ALAPPUZHA.

R1 & R2 BY GOVERNMENT PLEADER SRI.P.S. ABDUL KAREEM /
ADDL.DIRECTOR GENERAL OF PROSECUTION
R3 & R4 BY ADV. SMT. VINITHA HARIRAJ.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.P.(Crl.) No.223 of 2015

Dated this the 2nd day of June, 2015

JUDGMENT

C.K. Abdul Rehim, J

Parents of the alleged detainee, Miss.Arya have filed this writ petition seeking a writ of Habeas Corpus for production of the alleged detainee and to set her at liberty.

2. Allegations in the writ petition is that Miss. Arya is being illegally detained by respondents 3 and 4. It is stated that the 4th respondent is the wife of the 3rd respondent and they are having a child of 5 years age. It is averred that Miss.Arya was missing from the petitioner's house since 23.05.2015 onwards and it is suspected that she is illegally detained by respondents 3 and 4.

3. Counsel entered appearance on behalf of respondents 3 and 4 and submitted that the alleged detainee Miss.Arya is not in their custody and that they have no

intention to abduct the girl. The 3rd respondent has no intention to have any connection with her in future, is the submission made.

4. Learned Government Pleader appearing on behalf of respondents 1 and 2 submitted on instructions that, with respect to missing of the alleged detainee a case was registered before the Cherthala police station as Crime No.1403/2015 under Section 57 of the Kerala Police Act. The said case was registered on 28.05.2015. It is mentioned that on 30.05.2015 the alleged detainee Miss.Arya appeared before respondents 1 and 2 and she was produced before the Judicial First Class Magistrate Court-I, Cherthala on the said date. On mentioning about pendency of this writ petition, the learned Magistrate directed Miss.Arya to be put in a hostel at Kadavanthara. Respondents 1 and 2 have caused production of the alleged detainee before this court on today.

5. We have interacted with the alleged detainee Miss.Arya. It is stated that she had gone out of the parental

house on 23.05.2015, because her parents have scolded her. It is further submitted that she had appeared before the investigating officer in the crime case, when it was informed that the above writ petition is instituted before this court. She stated that she had no intention to have any relationship with the 3rd respondent, as alleged. She expressed willingness to go along with the petitioners.

From the above mentioned circumstances, we are convinced that the alleged detinue Miss.Arya is not in any illegal confinement of respondents 3 and 4 as alleged. Since the detinue had expressed her desire to go along with the petitioners, she is set at liberty and permitted to go along with the petitioners.

The writ petition is hereby closed subject to the above observations.

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

// True Copy //

P.A. to Judge