

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 JYASHTA, 1937

WP(Crl.).No. 224 of 2015 (S)

PETITIONER(S):

**RACHEN B. THOMAS, AGED 33 YEARS,
S/O.BABY IMMANUEL, NELLUVELIL HOUSE, PERUNADU P.O.,
PERUNADU, RANNI, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENT(S):

- 1. STATE POLICE CHIEF, POLICE HEAD QUARTERS,
VAZHUTHAKKADu, THIRUVANANTHAPURAM-695 001.**
- 2. DISTRICT POLICE CHIEF, KANNUR-670 001.**
- 3. SUB INSPECTOR OF POLICE, MATTANNOOR POLICE STATION-670 702.**
- 4. NIJIL.N., S/O.KRISHNAN, KOZHALAKAL HOUSE, NJALIL,
SIVAPURAM P.O., KUNDILERY, MALOOR PANCHAYATH,
KANNUR DISTRICT-670 702.**
- 5. A.N.BALAKRISHNAN, SARIN NIVAS, IDAPAZHASSY,
URAVANCHAL P.O., MATTANNUR, KANNUR DISTRICT-670 702.**

**R1- R3 BY GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH WITH
SRI. ASAF ALI, DIRECTOR GENERAL OF PROSECUTION.
R4 & 5 BY ADV. SRI.C.K.MOHANAN**

**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. 224 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF ELECTION ID CARD OF THE DETENUE

RESPONDENT(S)' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.224 of 2015

Dated this the 10th day of June, 2015

JUDGMENT

C.K. Abdul Rehim, J

This writ petition is filed raising an allegation that Miss.Sariga Balakrishnan, aged 25 years, daughter of the 5th respondent was working in the company of the petitioner at Bangalore for about two years and both of them fell in love and they wanted to marry each other. But the 4th respondent, who is the husband of the elder sister of the alleged detainee, is in not favouring the marriage and he had forcefully taken the detainee to his house. It is specifically alleged that Miss.Sariga Balakrishnan is under illegal custody of the 4th respondent. It is also alleged that the life of the detainee is in danger. Therefore the petitioner is seeking a writ of habeas corpus for directing production of the corpus of Miss.Sariga Balakrishnan and to set her at liberty.

2. Today when the case is taken up, counsel entered appearance on behalf of respondents 4 and 5 and offered that the alleged detainee Miss.Sariga Balakrishnan can be produced before this court. On that basis, the case was passed over. Subsequently Miss.Sariga Balakrishnan was produced before this court by respondents 4 and 5. We have interacted with the alleged detainee Miss.Sariga Balakrishnan. She said that she had completed B.Tech degree and was working at Bangalore till November 2014. Thereafter she is staying along with her parents. She had categorically mentioned that she is not under any illegal confinement of respondents 4 and 5 as alleged and that she is staying along with her parents on her own free wish and will.

3. We notice that, the alleged detainee is a girl aged 25 years and she is capable of taking her own decision with respect to her future life. Since we are convinced that the alleged detainee is not under any illegal confinement as alleged in this writ petition, there is no circumstances

warranting interference of this court to issue any writ of habeas corpus.

Therefore, the writ petition is disposed of by granting liberty to the alleged detinue to go along with her parents in accordance with her wish.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

SS