

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 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(Crl.).No. 225 of 2015 (S)  
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PETITIONER(S):  
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NISSAMUDEIN, AGED 43 YEARS, S/O.ABDUL RAHMAN,  
VEELIKKAD, AYAHTIL P.O., KOLLAM TALUK,  
KOLLAM-1.

BY ADVS.SRI.BECHU KURIAN THOMAS  
SRI.S.SREEDEV

RESPONDENT(S):  
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1. STATE OF KERALA, REPRESENTED BY DIRECTOR GENERAL OF POLICE,  
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.
2. SUB INSPECTOR OF POLICE, ERAVIPURAM POLICE STATION,  
KOLLAM-691 006.
3. ALTHAF, AGED 19 YEARS, S/O.ASHARAF, H & C COMPOUND,  
GANDHI NAGAR-96, PALLITHOTTAM P.O., KOLLAM DISTRICT,  
PIN-691 006.
4. ASHARAF, AGED 47 YEARS, S/O.LASSER,  
H & C COMPOUND, GANDHI NAGAR-96, PALLITHOTTAM P.O.,  
KOLLAM DISTRICT, PIN-691 006.

R1& R2 BY GOVERNMENT PLEADER SRI. JOBY JOSEPH.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON  
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SS

**C.K. ABDUL REHIM &**

**K. RAMAKRISHNAN, JJ.**

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W.P.(Crl.) No.225 of 2015

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Dated this the 24<sup>th</sup> day of June, 2015

**JUDGMENT**

C.K. Abdul Rehim, J

The petitioner is approaching this court seeking for a writ of habeas corpus directing for production of the corpus of his daughter Miss.Sajeena and to set her at liberty.

2. Allegations are that, Miss.Sajeena, who had completed Higher Secondary Education had left from the petitioner's house on 10.04.2015 and on enquires made it is reliably learnt that she had gone along with the 3<sup>rd</sup> respondent. In a case registered on the basis of a complaint submitted by the petitioner, as crime No.627/2015 of Eravipuram police station the alleged detainee, Miss.Sajeena as well as the 3<sup>rd</sup> respondent were traced out and produced before the Magistrate Court. Learned

Magistrate, after recording statement of the alleged detenue, had permitted her to go along with respondents 3 and 4. But the petitioner came to know that the 3<sup>rd</sup> respondent had completed only the age of 19 years and no marriage of the petitioner's daughter with the 3<sup>rd</sup> respondent can be solemnized. Under such circumstances, this writ petition is filed alleging that the petitioner's daughter Miss.Sajeena is illegally detained by respondents 3 and 4.

3. Pursuant to order issued by this court on 28.05.2015, the respondents 3 and 4 have produced the alleged detenue before this court, on 03.06.2015. On our interaction with Miss.Sajeena, she said that she is staying in the house of a relative of respondents 3 and 4 and that she is intending to marry the 3<sup>rd</sup> respondent. But we noticed that, the 3<sup>rd</sup> respondent had completed only the age of 19 years, even though the alleged detenue had completed the age of 18 years. Therefore we interacted with the family

members on both sides and apprised them that a valid marriage cannot be solemnized at this stage. It was agreed that, both the families will consider marriage between the alleged detainee and the 3<sup>rd</sup> respondent in future and will try to arrive at a settlement on that respect. The alleged detainee conceded that for the time being she will stay along with the petitioner at the parental house. On the above basis the case was adjourned to today.

4. Today when the matter is taken up, the alleged detainee was produced by the petitioner. We interacted with the alleged detainee. She said that she is intending to stay along with petitioner in her parental house and to pursue her studies. When we interacted with the petitioner and his wife they also conceded that the alleged detainee will be permitted to pursue her studies and that she will not be compelled to have marriage with any other person against her will.

Under the above mentioned circumstances, we

find that there is no illegal confinement as alleged, at present. The alleged detenue Miss.Sajeena is permitted to go along with the petitioner to her parental house, at her own desire.

The above writ petition is disposed of on the above terms.

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

Sd/-  
**K. Ramakrishnan, Judge**

// True Copy//

P.A. To Judge

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