

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 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(Crl.).No. 229 of 2015 (S)

PETITIONER(S) :

**T.R.RADHAKRISHNA PILLAI, AGED 55 YEARS,
S/O T.K. RAMAKRISHNA PILLAI, SREEVALSAM,
NEAR CSI CHURCH, PUNALUR, PIN:691 305.**

**BY ADVS.SRI.S.RAJKUMAR
SRI.CHRISTOPHER VALENTINE**

RESPONDENT(S) :

- 1. SUB INSPECTOR OF POLICE,
PUNALUR POLICE STATION, PUNALUR, KOLLAM DISTRICT,
PIN: 691 305.**
- 2. CIRCLE INSPECTOR OF POLICE,
PUNALUR POLICE STATION, PUNALUR, KOLLAM DISTRICT,
PIN: 691 305.**
- 3. SURESH, AGED 35 YEARS,
S/O SREEDHARAN, SUNIL BHAVAN, THAMARAPPALLY,
OPP. DURGA DEVI TEMPLE, PLACHERY, PUNALUR,
PIN:691331.**
- 4. ASIF, AGED 25 YEARS,
S/O NAZEER, VEGETABLE STALL, OPPOSITE VARSHA THEATRE,
ANCHAL, KOLLAM, PIN:691306.**
- 5. MANJU, AGED 35 YEARS,
W/O SHANAVAS, SOFIDA MANZIL, NEAR CSI CHURCH,
PUNALUR, (NOW RESIDING AT MANJU NIVAS,
RAILWAY OVER BRIDGE, MOORTHIKAVU,
ST. GORETTI SCHOOL ROAD, PUNALUR), PIN:691 305.**

**R1 & R2 BY ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.K.I.ABDUL RASHEED
R1 & R2 BY SRI.P.S.ABDUL KAREEM, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

AMV

: 2 :

WP(Crl.).No. 229 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: COPY OF PETITION DATED 26.5.2015 SUBMITTED BY

PETITIONER BEFORE IST RESPONDENT.

RESPONDENT(S)' EXHIBITS : **NIL**

/TRUE COPY/

P.A.TO JUDGE

AMV

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

.....
W.P.(Crl) No. 229 of 2015
.....

Dated this the 9th day of June, 2015

JUDGMENT

C.K.Abdul Rehim, J.

This writ petition is filed by the father of the alleged detainee, Ms.Sruthi, on the allegation that she is being illegally detained by respondent Nos.3 to 5. Averments are to the effect that the petitioner's daughter was studying for 'Company Secretary' course at Thiruvananthapuram and the 3rd respondent enticed her with fake promise to marry her, and on that basis abducted her with the help of respondent Nos.4 and 5. The petitioner came to know about the abduction on 24.05.2015. Despite several enquiries made, he was unable to trace out his missing daughter. This writ petition is filed on the premise that the daughter of the petitioner is being illegally detained under confinement of respondents 3 to 5.

2. Pursuant to an order passed by this Court, the 3rd respondent had produced the alleged detainee Ms.Sruthi before this Court on 03.06.2015. On interaction with her she said that

she is living with the 3rd respondent at his house since March, 2015 onwards and the marriage between them was solemnized at a Hindu temple, Sree Subrahmanya Swami Temple, Chemmanthoor, Punaloor, on 22.03.2015, as per religious rites and ceremonies. It was also said that steps for registering the marriage under the Kerala Registration of Marriages (Common) Rules, 2008 was already taken and that the certificate will be obtained shortly. Based on the submissions made to the effect that the marriage was already solemnized and that the alleged detainee is living with 3rd respondent as husband and wife, we adjourned the case to today for production of the Marriage Registration Certificate. The alleged detainee and 3rd respondent was directed to appear before this Court on today.

3. Today when the matter is taken up, the alleged detainee as well as the 3rd respondent appeared in person. They have produced the Certificate of Marriage issued by the Registrar of Marriages, Punalur Municipality. It is evident that the marriage between the alleged detainee and the 3rd respondent was registered under the Kerala Registration of Marriages (Common) Rules, 2008 and a certificate to that

effect was issued on 05.06.2015.

4. Under the above mentioned circumstances, we are convinced that the alleged detenue Ms.Sruthi is not under illegal confinement of respondents 3 to 5, as alleged. This Court take on record the factum of a legal marriage established between the 3rd respondent and the alleged detenue.

Under such circumstances, the writ petition is hereby closed by granting liberty to the detenue Ms.Sruthi and to the 3rd respondent to live as husband and wife at any place of their choice.

sd/-
C.K.ABDUL REHIM, JUDGE

sd/-
K.RAMAKRISHNAN, JUDGE

AMV/09/06/

/TRUE COPY/

P.A.TO JUDGE