

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 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(Crl.).No. 231 of 2015 (S)

PETITIONER:

**HUSSAIN ABDUL AZEEZ,
AGED 31 YEARS, S/O.ABDUL AZEEZ,
KOPPRAPURAYIL HOUSE,
KANNAMPALLY BHAGUM, KAYAMKULAM,
KARTHIKAPALLY TALUK, ALAPPUZHA DISTRICT, PIN 690502.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT POLICE CHIEF,
ALAPPUZHA, PIN 688001.**
- 3. THE STATION HOUSE OFFICER
KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT, PIN 690502.**
- 4. A.HUSSAIN, AGED 50 YEARS
S/O.ABDUL KHADER, EDAYILA VEETIL, KANNAMPALLY BHAGUM
KAYAMKULAM, KARTHIKAPALLY TALUK,
ALAPPUZHA DISTRICT, PIN 690502.**

**R1-R3 BY ADV. TOM JOS PADINJAREKKARA, ADGP
& SRI. SHIBU JOSEPH, GOVERNMENT PLEADER.**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 02-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

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

W.P (Crl.) No. 231 OF 2015

DATED THIS THE 2nd DAY OF JULY, 2015.

J U D G M E N T

C.K. Abdul Rehim, J:

This petition seeking a writ of Habeas Corpus was filed by the petitioner raising an allegation that Miss.Dilshana Hussain, with whom the petitioner is in love, is being illegally detained by her father, the 4th respondent herein. Averments are to the effect that the alleged detenue and the petitioner are in love for the last 3 years and they are intending to get married. Both of them belong to Muslim community. But the parents of Miss.Dilshana Hussain opposed their relationship. The alleged detenue was studying in the 2nd year of B.A.MS course of KVG Ayurveda Medical College, Sulliya in Karnataka. But having opposed to the relationship of the petitioner with the alleged detenue, the 4th respondent started looking for prospective alliance to get her daughter married forcefully. On 26-05-2015 when the alleged detenue and the petitioner have

decided to get married by giving notice of intention under the Special Marriage Act, the 4th respondent and his relatives have taken her forcibly to some undisclosed location. It is alleged that the 4th respondent and his relatives have kept Miss.Dilshana Hussain under illegal confinement. Therefore this writ petition is filed.

2. Based on the orders of this court, a report was filed by the 3rd respondent after recording an independent statement of the alleged detainee. In the statement of the alleged detainee it is revealed that, from 19-05-2015 onwards she was staying in an old-age home at Kannur. On 08-06-2015 the 4th respondent produced the alleged detainee before this court. When we interacted with the alleged detainee and the 4th respondent it is revealed that the 4th respondent is not willing to marry her to the petitioner. On the other hand the alleged detainee is willing to go along with the petitioner and she refused to go along with the 4th respondent. She expressed her desire to go along with the petitioner. However, on noticing that there is no legally valid marriage established between the alleged

detenue and the petitioner, we directed the 3rd respondent to admit the alleged detenue at S.N.V. Sadanam Working Women's Hostel, Ernakulam South. The petitioner as well as the parents of the alleged detenue were permitted to interact with her.

3. Subsequently when the case is posted on 25-06-2015 the alleged detenue was produced from the Hostel. There was no change in her decision. She expressed willingness to abide all the requisite formalities for solemnization of a customary marriage. Under such circumstances we directed the alleged detenue to continue her stay in the very same Hostel, but permitted to go to Kayamkulam for solemnization of a customary marriage. The petitioner was directed to take steps to solemnize the marriage and to register it under the Kerala Registration of Marriages (Common) Rules 2008.

4. When the case is taken up on today, learned counsel for the petitioner submitted that marriage between the petitioner and the alleged detenue was solemnised at Kerrikadu Muslim Jama-ath on 27-06-2015. The petitioner

had also produced a copy of the Certificate of Marriage issued under the Kerala Registration of Marriages (Common) Rules 2008, dated 29-06-2015, issued from the Kayamkulam Municipality. Both the petitioner and the alleged detainee, Miss.Dilshana Hussain are personally present before this court. Both of them submitted that the alleged detainee is intending to pursue her studies before the college at Sulliya in Karnataka State and that necessary arrangements will be made for the same.

5. Under the above mentioned circumstances we are inclined to dispose of this writ petition by recording marriage established between the petitioner and the alleged detainee, Miss.Dilshana Hussain. The alleged detainee, Miss.Dilshana Hussain is set at liberty to go along with the petitioner and to lead a marital life with him.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge