

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 3RD DAY OF JUNE 2015/13TH JYASHTA, 1937

WP(Crl.).No. 232 of 2015 (S)

PETITIONER(S):

**VIPIN VARGHESE, AGED 23 YEARS,
S/O. JOY OUSEPH, MATHESSERRY HOUSE, HOUSE NO. 10/1268,
FORT KOCHI, VELI, KOCHI P.O.**

**BY ADVS.SRI.V.JOHN SEBASTIAN RALPH
SRI.K.J.JOSEPH (ERNAKULAM)
SRI.V.JOHN THOMAS**

RESPONDENT(S):

1. COMMISSIONER OF POLICE, KOCHI CITY - 682 018.

**2. CIRCLE INSPECTOR OF POLICE,
FORT KOCHI POLICE STATION, ERNAKULAM - 682 001.**

**3. SEBASTIAN K.P, AGED 54 YEARS,
S/O. PAPPACHAN, HOUSE NO. 10/1185, KEECHANGADU VEEDU,
FORT KOCHI, VELI, KOCHI P.O - 682 001.**

**R1- R2 BY GOVERNMENT PLEADER SRI. JOBY JOSEPH,
SMT. KOCHUMOL KODUVATH FOR DIRECTOR GENERAL OF PROSECUTION**

**R3 BY ADVS. SRI.T.MADHU
SRI. B.S.SURAJ KRISHNA**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

:2:

WP(Crl.).No. 232 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE MARRIAGE CERTIFICATE DT. 24.10.14.
- P2 - TRUE COPY OF THE COMPLAINT BEFORE THE POLICE DT. 28.5.15.
- P3 - TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT 28.5.15.

RESPONDENT(S)' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

SS

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

W.P.(Crl.) No. 232 of 2015

Dated this the 3rd day of June, 2015

JUDGMENT

C.K. Abdul Rehim, J

This writ petition is filed based on an allegation that the petitioner is in love with Miss.Priyanka Sebastian, daughter of the 3rd respondent, and that they have conducted marriage in a temple and registered the same under the Kerala Registration of Marriage (Common) Rules, 2008. Ext.P1 is the Certificate of Marriage produced. Averments in the writ petition is to the effect that since the parents of both parties were working abroad they have decided to have a public function of the marriage after return of their parents. It is further stated that, eventhough the 3rd respondent had agreed to have a public function with respect to the marriage, he retracted from the promise and illegally confined Miss.Priyanka Sebastian. Based on the allegation that Miss.Priyanka Sebastian is under illegal

confinement of the 3rd respondent and her family members, the petitioner is seeking a writ of Habeas Corpus for directing her production and to set her at liberty.

2. Pursuant to an order issued by this court on 29.05.2015, the police authorities have recorded statement of the alleged detainee, copy of which was produced by the Government Pleader for our perusal. Further the 3rd respondent had produced the alleged detainee Miss.Priyanka Sebastian before this court on today. We have interacted with the alleged detainee Miss.Priyanka Sebastian. As mentioned in the statement given to the police authorities, she said before us that she is not in any illegal confinement of her parents or relatives, as alleged in this writ petition. According to her at present she has not taken any decision to marry the petitioner and with that respect neither the 3rd respondent nor any of her relatives have made any compulsion upon her.

3. Considering the factual situation prevailing

as mentioned above, we are of the considered opinion that the petitioner cannot seek any relief based on Ext.P1 certificate of marriage. It is evident that the registration was conducted on the basis that marriage had taken place at Kalavamkodam Saktheeswaram Temple, Kalavamkodam, Puthukkattu Kunnel, Vayalar East Village, Cherthala Taluk, Alappuzha District. We notice that both the petitioner as well as the alleged detinue belong to Christian religion. Therefore such a marriage cannot have any legal sanctity under the Hindu Marriage Act. Even though the marriage was registered under the Common Rules, it cannot have any legal validity.

4. However, with respect to the issue involved in this writ petition, we are convinced that the alleged detinue Miss.Priyanka Sebastian is not under any illegal confinement of the 3rd respondent, as alleged. We are also convinced that she is staying along with the 3rd respondent at her own free will. Therefore the writ petition is hereby

disposed of by granting liberty to Miss.Priyanka Sebastian to go along with the 3rd respondent and to live at her house with the parents.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

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