

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(Crl.).No. 233 of 2015 (S)

PETITIONER:

**SHAMEER
S/O. KABEER, AGED 22 YEARS,
KUNNIL PUTHENVEEDU HOUSE,
NADAYARA, VARKALA, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.M.L.SURESH KUMAR

RESPONDENTS:

- 1. THE SUPERINTENDENT OF POLICE (RURAL),
THIRUVANANTHAPURAM -695 033.**
- 2. CIRCLE INSPECTOR OF POLICE,
VARKALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695 141.**
- 3. THE SUB INSPECTOR OF POLICE,
AYROOR POLICE STATION, THIRUVANANTHAPURAM-695 310.**
- 4. AKBAR,
PALAAK VEEDU, NADAYARA, CHEMMARUTHY VILLAGE,
VARKALA VILLAGE, THIRUVANANTHAPURAM-695 141.**

**R1-R3 BYGOVT. PLEADER SRI. P.S.ABDUL KAREEM
R4 BY ADVS. SRI.R.SANTHOSH (VARKALA)
SRI.S.KRISHNAKUMAR**

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE LETTER OF THE DETENUE ASEEFA GIVEN TO
THE PETITIONER.**

**EXHIBIT-P2- TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
DATED 18/05/2015 BEFORE THE 3RD RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 233 OF 2015

DATED THIS THE 8th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

The petitioner is approaching this court seeking a writ of Habeas Corpus based on an allegation that the alleged detenue Miss.Aseefa is in love with him and they have decided to marry. But the 4th respondent, who is father of the alleged detenue, had detained her in illegal custody from 10-05-2015 onwards and had persuaded her to marry another person. It is alleged that the detenue was harassed mentally and physically by the 4th respondent and is being forcefully detained against her will and wish. Under such circumstances relief is sought is to the extent of directing production of Miss. Aseefa, the alleged detenue, and to set her free.

2. When the above case came up for consideration on 01-06-2015 we directed the 3rd respondent to conduct a

discrete enquiry with respect to whereabouts of the alleged detainee and if she is traced out then to depute a woman police officer to record her statement not in the presence of any family members. A report submitted by the 3rd respondent on today revealed that the alleged detainee is available in the house of the 4th respondent and her statement was recorded by a woman police officer, independently not in the presence of any of the family members. The statement so recorded is available along with the report. It would indicate that alleged detainee had conceded that she was in love with the petitioner. But subsequently she had realized from the advice of her parents that continuance of such a relationship is not favourable for her better future. Therefore she had decided that not to have any further relationship with the petitioner. It is categorically stated that she had gone Kayamkulam for attending a course in an Arabic College and had discontinued her studies for Degree. She does not have any relationship with the petitioner and she is residing with her

parents on her free will without any illegal confinement or detention.

3. The alleged detainee, Miss. Aseefa is produced before this court on today by the 4th respondent and her brother. We have interacted with the alleged detainee. She reiterated the statement given before the police officer and said that she is intending to go along with her parents.

4. Under the above mentioned circumstances we find no reason to invoke jurisdiction vested on this court to issue a writ of Habeas Corpus, since the alleged detainee is found not in any illegal confinement.

5. Therefore the writ petition is hereby closed permitting the alleged detainee to go along with 4th respondent.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge