

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 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(Crl.).No. 234 of 2015 (S)

PETITIONER(S):

**BENNY K.P., AGED 48 YEARS,
S/O. PAUL, KARIAPARAMBIL HOUSE, PONOTH ROAD,
KALOOR, KOCHI.**

BY ADV. SMT.C.P.JYOTHY

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
NORTH POLICE STATION, ERNAKULAM.**
- 2. SHIBU, AGED 22 YEARS
S/O. BABU, KUNNATH PARAMBU HOUSE, KAILASAM COLONY,
THEVAKKAL PUKKATTUPADY, ERNAKULAM DISTRICT - 682 028.**
- 3. SHEEBA, AGED 48 YEARS,
W/O. BABU, KUNNATH PARAMBU HOUSE, KAILASAM COLONY,
THEVAKKAL PUKKATTUPADY, ERNAKULAM DISTRICT-682 028.**
- 4. SHEENA, AGED 24 YEARS,
W/O. JITHIN, KUNNATH PARAMBU HOUSE, KAILASAM COLONY,
THEVAKKAL PUKKATTUPADY, ERNAKULAM DISTRICT-682 028.**
- 5. JITHIN, AGED 28 YEARS,
RESIDING AT KUNNATH PARAMBU HOUSE, KAILASAM COLONY,
THEVAKKAL PUKKATTUPADY, ERNAKULAM DISTRICT - 682 020.**

**R1 BY DIRECTOR GENERAL OF PROSECUTION
R2-R3 BY ADV. SRI.S.SHYAM**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
08-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

:2:

WP(Crl.).No. 234 of 2015 (S)

APPENDX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE COMPLAINT DATED 26/05/2015 BEORE THE
NORTH POLICE STATION.**

RESPONDENT(S)' EXHIBITS

: NIL

// True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.234 of 2015

Dated this the 8th day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

Father of a girl aged 18 years, Miss.Soumya Benny, is the petitioner. He is seeking a writ of Habeas Corpus for directing production of Miss.Soumya Benny, based on the allegation that she is illegally detained by the respondents 2 to 5 at some unknown place.

2. Allegation is that the petitioner's daughter is missing from 22.05.2015 onwards and enquiries made by the petitioner had revealed that his daughter is in the illegal custody of respondents 2 to 5. It is further alleged that 2nd respondent had enticed her with the help of others and taken her into illegal custody.

3. Based on orders issued by this court, the alleged detainee Miss.Soumya Benny was produced before this court on 05.06.2015. It was informed by learned

Government Pleader appearing on behalf of the first respondent that the alleged detainee was traced out based on a case registered with respect to her missing, and she was produced before the Additional Chief Judicial Magistrate Court, Ernakulam on 03.06.2015. It is mentioned that learned magistrate had set her at liberty on finding that she had gone along with the 2nd respondent on her own will.

4. When we interacted with the alleged detainee, she expressed adamant stand that she doesn't want to go along with the petitioner and she is intending to marry the 2nd respondent on the basis of the intimation of marriage already given under the Special Marriage Act on 04.06.2015. However, since no legally valid marriage was established between the alleged detainee and the 2nd respondent at that point of time, this court directed the alleged detainee to be put in a hostel under orders of this court. The petitioner and other family members were

permitted to have interaction with the alleged detainee. Subsequently, through an order dated 22.06.2015, the alleged detainee was permitted to appear before the Marriage Officer for solemnization of the marriage.

5. Today when the case is taken up, learned counsel appearing for the 2nd respondent had produced a Certificate of Marriage issued by the Marriage Officer, Aluva, dated 06.07.2015. It would indicate that, marriage under the Special Marriage Act was solemnized between the alleged detainee and the 2nd respondent on 06.07.2015. The alleged detainee as well as the 2nd respondent are personally present before this court. They said that they are intending to reside together as husband and wife in the house of the 2nd respondent.

6. Under the above mentioned circumstances, finding that the alleged detainee is not under any illegal confinement, we are ordering to set her at liberty to reside along with the 2nd respondent as husband and wife.

7. Both the alleged detenue and the 2nd respondent expressed apprehension before this court that the petitioner, his family members and their henchmen may create threat and trouble to their peaceful matrimonial life. It will be left open to them to approach the police authorities having jurisdiction in the area concerned, if any such threat is raised or apprehended. Needless to observe that the police authorities concerned shall take appropriate steps if any such complaint is received.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge