

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 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(Crl.).No. 237 of 2015 (S)

PETITIONER:

RADHAKRISHNA PILLAI, AGED 58 YEARS,
S/O.A.KESAVA PILLAI, KRISHNASILA, MUNDAKKAL EAST PO,
KOLLAM TALUK, KOLLAM -1

BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV

RESPONDENTS:

1. COMMISSIONER OF POLICE
KOLLAM 691 001.

2. ASSISTANT COMMISSIONER OF POLICE,
KOLLAM - 691001.

3. SUB ISNPECTOR OF POLICE,
KAZHAKKOOTTAM POLICE STATION,
THIRUVANANTHAPURAM 695 581.

4. NIMUL B PILLAI, AGED 31 YEARS,
S/O.BHASKARAN PILLAI (LATE)
BHASKAROUSHAS, TR 11/70, RAMACHANDRA NAGAR,
26A, KARIYIL, KAZHAKOOTTAM PO
THIRUVANANTHAPURAM 695 581.

5. USHA B PILLAI, AGED 51 YEARS,
W/O.BHASKARAN PILLAI (LATE)BHASKAROUSHAS, TR 11/70
RAMACHANDRA NAGAR, 26A, KARIYIL,
KAZHAKOOTTAM PO, THIRUVANANTHAPURAM 695 581.

R1-R3 BY SRI. TOM JOSE PADINJAREKKARA- ADDL.DIRECTOR GENERAL OF
PROSECUTION WITH G.P. SRI. SHIBU JOSEPH

R4-R5 BY ADV. SRI.M.L.SAJEEVAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF THE CERTIFICATE DATED 27.5.2015 ISSUED BY
DR.RAVIKUMAR K.

EXT.P2- TRUE COPY OF THE COMPLAINT DATED 15.4.2015 FILED BY THE
PETITIONER.

EXT.P3- TRUE COPY OF THE COMPLAINT DATED 7.5.2015 FILED BY PETITIONER'S
WIFE

RESPONDENTS' EXHIBITS:

EXT.R4 (A) PHOTOCOPY OF THE FITNESS CERTIFICATE DATED 6.4.14.

EXT.R4 (B) PHOTOCOPY OF THE RELEVANT PORTION OF THE BILL OF MOBILE
PHONE NO.9746134288.

EXT.R4 (C) PHOTOCOPY OF THE COMPLAINT FILED BY ASWIN DATED 18.4.2015
WITH THE RECEIPT ISSUED FROM THE OFFICE OF THE ASSISTANT COMMISSIONER
OF POLICE DATED 18.4.2015.

/TRUE COPY/

P.S. TO JUDGE

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

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W.P.(Crl).No.237 of 2015
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Dated this the 22nd day of June, 2015.

JUDGMENT

Abdul Rehim, J:

Allegation in the writ petition is that petitioner's daughter, Aswin Krishna @ Ammu, aged 25 years, is under illegal detention of respondents 4 and 5, who are respectively her husband and mother-in-law. Averments in brief are that, the alleged detainee was undergoing internship at the time of her marriage, after completing BAMS course. The respondents 4 and 5 have refused to permit the alleged detainee to continue her internship and she was prevented even from obtaining a degree. According to the petitioner, his daughter is being treated like a slave in the family of respondents 4 and 5. It is alleged that the respondents 4 and 5 are keeping control over the petitioner's daughter and they have not even informed about pregnancy of the daughter to the petitioner. It is stated that the child born to the petitioner's daughter had a liver transplant surgery at Chennai on 31.1.2015. The 4th respondent and his brother have abused the petitioner and his

wife at the hospital. It is alleged that the 4th respondent is physically assaulting the petitioner's daughter for various silly reasons and that the petitioner's daughter is in a deplorable mental condition. It is stated that, when she was staying along with the petitioner for few days, she was given counselling and advise through a psychiatrist. Ext.P1 certificate is produced to show that the Psychiatrist had opined that the alleged detainee is suffering from a lot of family stresses, with respect of which detailed assessment and evaluation is required. Further allegation is that the 4th respondent and his brother had came to the house of the petitioner on 15.4.2015 and committed mischief and destruction by assaulting the petitioner. With respect to the incident the petitioner had given Ext.P2 written complaint before the police authorities. It is further stated that the petitioner's wife had also filed Ext.P3 complaint for taking appropriate steps to provide a better life to their daughter. It is stated that the petitioner's daughter had confessed to the 2nd respondent that she is under control of responders 4 and 5 and that she is not a free person. This

writ petition is filed seeking a writ of habeas corpus directing for production of the petitioner's daughter from the alleged illegal detention of respondents 4 and 5, based on the allegation that respondents 4 and 5 are fully controlling and confining the petitioner's daughter against her free wish and will.

2. Based on the allegations this Court had directed the 1st respondent to conduct a discreet enquiry into the matter of the alleged confinement of Mrs. Aswin Krishna @ Ammu. The 1st respondent was directed to record independent statement of the alleged detainee by deputing a woman police officer to the house of respondents 4 and 5.

3. The 1st respondent had filed a report before this Court enclosing a statement recorded from the alleged detainee. The statement indicates that, she had totally denied the allegations raised by the petitioner. It is stated that she is living peacefully along with her husband and his parents. They are highly loving in nature towards her and that they are taking care of all the needs of the alleged detainee. But the report submitted by

the 1st respondent indicated that there existed a lot of disputes between the two families and various complaints were lodged before the police authorities by either side. It is specifically mentioned that in a statement given by the alleged detainee on 22.5.2015, she had narrated about the harassments and humiliations experienced by her from the husband and the mother-in-law. But subsequently, after three days, she approached the police with a request to change her earlier statement as it was not true and correct. In the new statement she mentioned that the earlier statement was given only at the instigation of her relatives. It is also mentioned in the report that, based on the complaint and statement given by the alleged detainee, a case was registered against the 4th respondent alleging offences punishable under Section 498 A of the Indian Penal Code.

4. Respondents 4 and 5 appeared through counsel and filed counter affidavit. Learned counsel for respondents 4 and 5 conceded before this Court that they have no objection in producing the alleged detainee before this Court. Accordingly

the alleged detenue Mrs. Aswin Krishna @ Ammu is produced before this Court on today.

4. We have interacted with the alleged detenue in detail about the allegations contained in this writ petition. She had emphatically denied all such allegations. According to her, she is living peacefully with her husband in the matrimonial house. It is stated that her child had a liver transplantation and the 4th respondent only donated part of his liver for the transplant. It is specifically mentioned that her father, the petitioner herein, is making all sorts of trouble to the peaceful life in the matrimonial house. It is stated that due to various complaints raised by her father before the police authorities as well as before this court, the alleged detenue as well as the 4th respondent are put to harassment and they have to face the consequences before various authorities and courts. Further, the alleged detenue had categorically mentioned that she is not in any manner under confinement of respondents 4 and 5 and she is living peacefully of her own will in the matrimonial house of respondents 4 and 5.

5. Under the above mentioned circumstances, we are of the considered opinion that there is no material before this Court to presume that the alleged detainee Mrs. Aswin Krishna @ Ammu is under illegal detention of respondents 4 and 5 in any manner, against her will. There is no scope for interference of this Court under Article 227 of the Constitution of India.

Resultantly this writ petition fails and the same is hereby dismissed.

Sd/-
C.K.ABDUL REHIM, JUDGE.

Sd/-
K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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