

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. 240 of 2015 (S)

PETITIONER(S):

**DILEEP P.A., AGED 50 YEARS,
S/O. P.P.ANTONY, NOW RESIDING AT PAYYAPPILLY HOUSE,
CUSAT.P.O., PAYYAPILLY JUNCTION, KALAMASSERY,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.S.MOHAMED HASHIM
SMT.CAROLIN SINDHU VAZ
SMT.P.A.JAIMOLE
SMT.A.NISSY**

RESPONDENT(S):

- 1. DIRECTOR GENERAL OF POLICE,
TIRUVANANTHAPURAM-695 001.**
- 2. SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION, KALAMASSERY-682 026.**
- 3. AFSAL.K.M., AGED ABOUT 24 YEARS,
S/O. MAJEED NOW RESIDING AT C/O. MAJEED MANOLI,
KATTILPARAMBIL HOUSE, EDAPILLY NORTH.P.O., VATTEKUNNAM,
ERNAKULAM DISTRICT-682 024.**

**ADDL.R4.THE DISTRICT POLICE CHIEF, (CITY POLICE COMMISSIONER)
KOCHI CITY.
(IS SUO MOTU IMPEADED AS PER ORDER DTD.09.06.2015 IN
W.P.(Crl.) No.240/2015)**

**R1&2 BY SRI. T. ASIF ALI, DIRECTOR GENERAL OF PROSECUTION
R3 BY ADV. SRI.P.V.ANILKUMAR
GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH**

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

SS

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

W.P.(Crl.) No.240 of 2015

Dated this the 8th day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of his daughter Miss.Sisna Dilip and to set her at liberty, based on an allegation that she is being detained by the 3rd respondent under illegal confinement.

2. Averments are to the effect that, on 28.05.2015 the daughter of the petitioner was missing from their house and on verification it is revealed that she had taken her S.S.L.C. Certificate and Birth Certificate. On subsequent enquiry it was revealed that the 3rd respondent had enticed the petitioner's daughter and kidnapped her with an intention to convert her to Islam. It is stated that a complaint was registered before the 2nd respondent with respect to missing of the petitioner's daughter. This writ petition is filed on the specific allegation that the petitioner's daughter is being kept under illegal confinement by

the 3rd respondent, against her free will and wish.

3. Based on orders issued by this court on 03.06.2015 and 24.06.2015, the 3rd respondent had produced the alleged detenue before this court on 19.06.2015. When we interacted the alleged detenue said that, she is residing with the 3rd respondent with whom she is in love and she wants to marry. She also said that she is not willing to go along with her parents. Since there existed no legally valid marriage between the alleged detenue and the 3rd respondent, this court was not inclined to send her along with the 3rd respondent. However, the alleged detenue expressed her desire to go along with her cousin brother to reside at her maternal aunt's house. Therefore this court permitted the alleged detenue to go along with her cousin brother, Sri.Vishal M. Joshy, son of the maternal aunt of the alleged detenue. She was permitted to stay at the maternal aunt's house for a period of two weeks.

4. Today when the case is taken up, the alleged detenue is produced before this court, as directed. When we interacted with the alleged detenue she said that she has decided to go along with her parents, since she had not fully

made up her mind to marry the 3rd respondent. She said that she is intending to pursue her studies further.

Under the above mentioned circumstances, it is evident that the alleged detainee is not under any illegal confinement at present. Since the alleged detainee had expressed her desire to go along with her parents, this writ petition is disposed of by setting her at liberty and permitting her to go along with her parents.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

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P.A. to Judge