

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 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(Crl.).No. 243 of 2015 (S)

PETITIONER:

**SHIBU M.R.,
S/O.RADHAKRISHNAN, AGED 41 YEARS
MANAYIL HOUSE, GURUVAYOOR POST,
CHAVAKKAD TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENTS:

- 1. SUPERINTENDANT OF POLICE,
THRISSUR, COLLECTORATE,
AYYANTHOLE, THRISSUR-680 001.**
- 2. SUPERINTENDENT OF POLICE, PALAKAD-678 001.**
- 3. CIRCLE INSPECTOR OF POLICE,
CHAVAKKAD, THRISSUR DISTRICT-680 506.**
- 4. SUB INSPECTOR OF POLICE,
CHAVAKKAD POLICE STATION,
THRISSUR DISTRICT-680 506.**
- 5. SUB INSPECTOR OF POLICE,
CHALISSERY POLICE STATION,
PALAKAD DISTRICT-678 001.**
- 6. PRAVEEN,
AGED 29 YEARS, S/O.VIJAYAN, MALAPPURATH HOUSE,
PERUMANOOR DESOM, KOOTANADU, PALAKAD-678 001.**
- 7. VIJAYAN,
MALAPPURATH HOUSE, PERUMANOOR DESOM,
KOOTANADU, PALAKAD-678 001.**

R1-R5 BY GOVERNMENT PLEADER SRI. JOBY JOSEPH

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

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

W.P (Crl.) No. 243 OF 2015

DATED THIS THE 24th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

Father of a 13 year old girl, Miss.Shisna, is the petitioner herein. This writ petition is filed seeking for orders for production of Miss.Shisna before this court and to set her free to be sent along with petitioner. Allegation is that the petitioner and his wife were living separated because of strained matrimonial relationship. Two children were born out of that wedlock. The alleged detainee Miss.Shisna, who is studying in 8th standard, was missing from the school since 01-06-2015 onwards. Wife of the petitioner had lodged a complaint before the 4th respondent with respect to missing of Miss.Shisna, based on which Crime No.911/2015 was registered. It was subsequently revealed that the alleged detainee was missing along the 6th respondent, who is son of the 7th respondent. But, despite enquiries made by the police authorities, neither alleged

detenue nor the 6th respondent could be traced out. Therefore this writ petition is filed based on an allegation that alleged detenue is being illegally detained by respondents 6 & 7.

2. When the matter came up for consideration, we directed the 3rd respondent to conduct rigorous investigation to find out and to produce the alleged detenue. Further the 1st respondent was given direction to personally monitor the investigation and to take steps to trace out the missing persons. Today when the case is taken up, learned Government Pleader appearing for respondents 1 to 5 submitted that the alleged detenue as well as the 6th respondent were traced out from Athirapally on 13-06-2015. It is stated that 6th respondent was arrested and remanded by the Judicial First Class Magistrate Court, Chavakkad on the said day. The alleged detenue Miss.Shisna was produced before the Child Welfare Committee and she was permitted to go along with her mother.

3. The alleged detenue Miss.Shisna was produced before this court on today. The petitioner and his wife who

is the mother of the alleged detainee are also personally present. Learned counsel for the petitioner submitted that the petitioner as well as his wife had arrived at a settlement with respect to custody of the detainee, Miss.Shisna. Accordingly it was decided that Miss.Shisna will be left with the custody of the petitioner's wife, for the time being. It is agreed that the petitioner will have right for interim custody, as and when desired. We interacted with the girl, Miss.Shisna. She expressed willingness to go along with her mother Mrs. Sandhya and to stay with her.

4. Under the above mentioned circumstances this writ petition is hereby disposed of by permitting the alleged detainee, Miss.Shisna, to go along with her mother, Mrs. Sandhya and to stay with her.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge