

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 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(Crl.).No. 245 of 2015 (S)

PETITIONER:

**ABHILASH J.
AGED 30 YEARS, S/O. K.N. JAYARAM,
KOCHUMOOLOSSRIL,
CHIRAKKADAVAM MURI, KAYAMKULAM, ALAPPUZHA.**

BY ADV. SMT.ANTHA M.N. (EKM)

RESPONDENTS:

**1. KRISHNANKUTTY,
Ayyathuveettill, Chirakkadavam Muri,
Kayamkulam Village, Karthikappally Taluk,
Alappuzha-690 516.**

**2. SINDHU,
W/O.KRISHNANKUTTY,
Ayyathuveettill, Chirakkadavam Muri,
Kayamkulam, Alappuzha-690 502.**

**3. CIRCLE INSPECTOR OF POLICE,
KAYAMKULAM-690 502.**

**4. SUB-INSPECTOR OF POLICE,
KAYAMKULAM-690 502.**

**R3 & 4 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP.
& SR. GOVT. PLEADER SRI. SHIBU JOSEPH.**

**R1 & 2 BY ADVS. SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - A TRUE COPY OF THE MARRIAGE CERTIFICATE DTD.11.05.2015.

P2 - A TRUE COPY OF THE AGREEMENT DTD.12.05.2015.

P3 - A TRUE COPY OF THE COMPLAINT DTD.27.05.15.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 245 OF 2015

DATED THIS THE 15th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

This petition seeking a writ of Habeas Corpus directing for production of the alleged detenue Ms.Poornendu Krishnan was filed based on the allegation that she is being illegally confined against her will by her parents, the respondents 1 & 2 herein. It is stated that, marriage between the petitioner and the alleged detenue was solemnised under the Special Marriage Act on 11-05-2015. Exhibit P1 is the certificate of marriage produced. It is further stated that there was a settlement arrived at the instance of SNDP Yogam, Kayamkulam wherein the parents of the alleged detenue have promised to conduct a marriage ceremony as per religious rites, within November 2015. Accordingly Ext.P2 agreement was executed, on the basis of which the alleged detenue had gone along with her parents.

But thereafter the petitioner was not allowed to contact her even over telephone. Under such context it is alleged that the detainee is under illegal custody of respondents 1 & 2.

2. Pursuant to notice issued from this court respondents 1 & 2 appeared through Adv.S. Rajeev. It is submitted that the alleged detainee is produced before this court. We have interacted with the alleged detainee, Ms.Poornendu Krishnan. Eventhough she had admitted about the marriage solemnized under the Special Marriage Act, it is categorically stated that she is now living with her parents on her free will. According to her she is not intending to continue the marital relationship with the petitioner and she will be taking steps to get the marriage dissolved. At any rate, she had emphatically denied that she is under illegal confinement of respondents 1 & 2.

3. Under the above mentioned circumstances, we are convinced that the alleged detainee Ms.Poornendu Krishnan is residing along with her parents at her free will and she is not in any manner under illegal confinement.

Therefore we are of the opinion that issuance of a writ of Habeas Corpus invoking jurisdiction vested on this court under Article 226 of the Constitution of India, is totally unwarranted. We make it clear that the parties will be at liberty to approach the appropriate court seeking remedies to resolve the disputes if any related to the marriage under Ext.P1.

4. Hence this writ petition is dismissed. The alleged detinue Ms.Poornendu Krishnan is permitted to go along with respondents 1 & 2.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge