

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(Crl.).No. 246 of 2015 (S)

PETITIONER(S)/PETITIONER:

SREEVIJAYAN, AGED 53 YEARS
S/O.THANKAPPAN NAIR, KEERATH HOUSE,
P.O.KARUVANNUR, THRISSUR DISTRICT
PIN - 680 711.

BY ADVS.SRI.M.R.VENUGOPAL
SMT.DHANYA P.ASHOKAN

RESPONDENT(S)/RESPONDENTS:

1. KIRAN, , AGED 25 YEARS
S/O.MOHANAN, THERAMBATH (H), P.O.THOTTIPPAL
THRISSUR DISTRICT, PIN - 680 310.
2. MANOHARAN,, AGED 55 YEARS
S/O.RAMAKRISHNAN, THERAMBATH (H), P.O.THOTTIPPAL
THRISSUR DISTRICT, PIN - 680 310.
3. THE SUPERINTENDANT OF POLICE,
THRISSUR DISTRICT, COLLECTORATE, THRISSUR
PIN - 680 711.
4. THE SUB INSPECTOR OF POLICE
PUDUKKAD POLICE STATION, THRISSUR DISTRICT
PIN - 680 301.

R3 & 4 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.K.I.ABDUL RASHEED
R2 BY ADV. SRI.V.BINOY RAM
R BY GOVERNMENT PLEADER SRI.P.S.ABDUL KAREEM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(Crl.).No. 246 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE F.I.R IN CRIME NO. 776/2015 DATED
 3-6-2015 OF PUDUKKAD POLICE STATION.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

W.P.(Crl).No.246 of 2015

Dated this the 30th day of June, 2015

JUDGMENT

C.K.ABDUL REHIM, J

The petitioner is seeking a writ of Habeas Corpus directing for production of his daughter Mrs.Miji.K.Jayan, who is allegedly kept by the first respondent under illegal confinement. The second respondent is the father of the first respondent. The petitioner's daughter Mrs.Miji.K.Jayan is married to Mr.Hemant Kumar and two children were born out of the said wedlock, having the age of 6 years and 2 years respectively. Averments are to the effect that, Mrs.Miji.K.Jayan was missing from the petitioner's house since 01.06.2015 onwards. Enquiry conducted by the petitioner revealed that she had gone along with the first respondent, who was in frequent contact with her through Facebook and Whatsapp. A complaint submitted by the petitioner before the Judicial First Class Magistrate Court, Irinjalakuda, against respondents 1 and 2 alleging

offences punishable under Section 366, 368 read with Section 34 of IPC was forwarded to the fourth respondent under Section 156(3) of Code of Criminal Procedure. On that basis, Ext.P1 First Information Report was registered as Crime No.776/2015 of Irinjalakuda Police Station. But it is complained that no effective enquiry is made based on the case registered.

2. Learned Government Pleader, on instructions from the fourth respondent, submitted that, during the investigation of Ext.P1 crime it was revealed that no offence under Section 366 or 368 has been committed and a report has already been filed before the Magistrate Court converting the crime as one under Section 57 of the Kerala Police Act.

3. Pursuant to order issued by this Court, the alleged detainee was traced out by the police from Bangalore and produced before this Court on today. When we interacted with the alleged detainee Mrs.Miji.K.Jayan, she expressed willingness to go along with the petitioner to her parental house. Mr.Hemant Kumar, husband of the

alleged detenue, had also expressed his willingness to take her along with him to his place of residence at Mysore. The alleged detenue submitted that, for the time being she will stay with her parental house and will take a decision with respect to resuming cohabitation with Mr.Hemant Kumar, later on.

4. Under the above mentioned circumstances, the writ petition is hereby disposed of by recording that the alleged deteneu Mrs.Miji.K.Jayan is at liberty and is permitted to go along with the petitioner.

The fourth respondent is directed to submit a report to the Judicial First Class Magistrate Court, Irinjalakuda appraising the facts based on this judgment, without insisting for personal production of the alleged detenue before that court.

Sd/-

C.K.ABDUL REHIM, JUDGE

Sd/-

K.RAMAKRISHNAN, JUDGE

vs