

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 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(Crl.).No. 251 of 2015 (S)

CRIME NO.595/2015 OF KUNDARA POLICE STATION

PETITIONER:

ANOOP, AGED 29 YEARS, S/O.SASIDHARAN,
MUMPILAZHIKAM VEEDU, VELAMKONAM, PUNIKKANNOOR
KOTTARAKKARA, KOLLAM DISTRICT.

BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH

RESPONDENTS:

1. DISTRICT POLICE CHIEF,
KOLLAM RURAL DISTRICT, KOTTARAKKARA, KOLLAM - 691 500.

2. THE SUB INSPECTOR OF POLICE,
KUNDARA POLICE STATION, KOLLAM DISTRICT-691 501.

3. VISHNU R., S/O.RAVEENDRAN,
VAYALIL PUTHANVEEDU, THATTARKONAM P.O.
KOLLAM DISTRICT 691 005.

R1&2 BY SRI. TOM JOSE PADINJAREKKARA- ADDL.DIRECTOR GENERAL OF
PROSECUTION

R1&R2 BY GOVERNMENT PLEADER SRI.SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 251 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - A TRUE PHOTOCOPY OF THE MARRIAGE CERTIFICATE DATED 23.02.2015
ISSUED BY THE SECRETARY, POOYAPALLY GRAMA PANCHAYAT.

EXT.P2 - A TRUE PHOTOCOPY OF THE COMPLAINT DATED 28.3.2015 SUBMITTED
BEFORE THE KUNDARA POLICE STATION.

EXT.P3 - A PHOTOCOPY OF THE FIR IN CRIME NO.595/2015 OF THE KUNDARA
POLICE STATION.

RESPONDENTS' EXHIBITS:NIL

/TRUE COPY/

P.S TO JUDGE

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

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W.P.(Crl.)No.251 of 2015
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Dated this the 7th day of July, 2015.

JUDGMENT

Abdul Rehim, J:

The petitioner is approaching this Court seeking a writ of habeas corpus for directing production of his wife Smt. Reshma, who is allegedly under illegal detention of the 3rd respondent, and to set her liberty.

2. The averments are to the effect that, marriage between the petitioner and Smt. Reshma was solemnized on 31.1.2015 and the marriage was registered under the Kerala Registration of Marriages (Commission) Rules, 2008, before the Marriage Registering Officer (Secretary), Pooyappally grama panchayath. Ext.P1 is the Certificate of Registration. It is alleged that on 28.3.2015 Smt. Reshma went away from the house of the petitioner to see one of her classmates. But she didn't returned. Enquiries made by the petitioner revealed that she had been abducted by the 3rd respondent to some unknown place. With respect to missing of his wife, the petitioner had lodged a complaint before the 2nd respondent on 28.3.2015, based on

which Ext.P3 case was registered by the 2nd respondent under Section 57 of the Kerala Police Act. This writ petition is filed on the allegation that police authorities are not taking any earnest steps to trace out the alleged detainee and that she being illegally confined by the 3rd respondent.

3. When the matter came up for consideration on earlier occasions, we directed the first respondent to take steps to conduct vigorous investigation based on Ext.P3 and to trace out the alleged detainee.

4. Today when the case is called up, learned Government Pleader appearing on behalf of respondents 1 and 2 submitted that the alleged detainee as well as the 3rd respondent were already traced out. The second respondent had recorded her statement and produced her before the Judicial First Class Magistrate, Kollam, on 30.6.2015. It is further stated that the learned Magistrate, after recording statement of the alleged detainee, found that she is not under illegal confinement. However she was admitted to 'Mahilamandiram', Kollam. It is from the said place that the alleged detainee is produced before this Court on today.

5. When we interacted with the alleged detainee, she said

that she had completed the age of 19 years. According to her, she knew the 3rd respondent since last few years and they were in love. It is admitted that she had went along with the 3rd respondent on 28.3.2015 and was living with him at some place at Alappuzha. On our interaction, it was revealed that the alleged detainee Smt. Reshma is not willing to go along with the petitioner. It is stated that her parents are also not interested in taking her back to the parental house. She expressed desire to go along with her maternal aunt, who is present before this Court on today.

6. We notice that the alleged detainee is the legally wedded wife of the petitioner. There exists no legally valid marriage between the alleged detainee and the 3rd respondent. But according to the alleged detainee she went along with the 3rd respondent of her own wish and will. There was absolutely no compulsion nor there is any illegal detention or confinement from the side of the third respondent, as alleged. There is absolutely no evidence or materials before us to arrive at any conclusion regarding illegal detention as alleged. Hence, there exists no circumstances warranting interference of this Court for issuance of any writ of habeas corpus. Since the alleged

detenue Smt. Reshma is a major, she is set at liberty to live at any place of her choice.

Under such circumstances, the writ petition is disposed of setting the alleged detenue at liberty.

Sd/-

C.K.ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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