

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 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(Crl.).No. 252 of 2015 (S)

PETITIONER:

**VIPIN KUNJUMON,
AGED 29 YEARS, S/O.KUNJUMON, SREE NILAYAM, PANNIALY
OMALLOOR PO, PATHANAMTHITTA DISTRICT 689 647**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

- 1. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA- 689 645.**
 - 2. THE CIRCLE INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION
PATHANAMTHITTA-689 645.**
 - 3. THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION
PATHANAMTHITTA-689 645.**
 - 4. THE SUB INSPECTOR OF POLICE,
NEMOM POLICE STATION
THIRUVANANTHAPURAM DISTRICT- 695 020.**
 - 5. MOHANAN, SRUTHY NIVAS
CHEKKALAMUKKU, SREEKARYAM P.O
THIRUVANANTHAPURAM 695 017.**
 - 6. PHILOMINA, W/O.MOHANAN, SRUTHY NIVAS, CHEKKALAMUKKU
SREEKARYAM P.O, THIRUVANANTHAPURAM 695 017.**
 - 7. RENJITH, RENJI COTTAGE, POOZHILKUNNU
VISHNU NAGAR, PAPPANAMCODE, THIRUVANANTHAPURAM 695 017.**
- R1-R4 BY ADV. SRI. ASAF ALI, DIRECTOR GENERAL OF PROSECUTION
& ADV. SMT. KOCHUMOL KODUVATH, GOVT. PLEADER.**
**R5-R7 BY ADVS. SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 16-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- COPY OF THE SALARY SLIP OF THE PETITIONER.**
- P2- COPY OF IDENTITY CARD OF THE DETENUE (SRUTHY).**
- P3- COPY OF CERTIFICATE OF MARRIAGE ISSUED BY HTE MARRIAGE OFFICER, PATHANAMTHITTA.**
- P4- COPY OF RECEIPT DATED 6.6.2013 ISSUED FROM THE OFFICE OF FIRST RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 252 OF 2015

DATED THIS THE 16th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

Petitioner is approaching this court seeking a writ of Habeas Corpus directing production of the alleged detainee, Sruthi, who is the daughter of respondents 5 & 6, and to set her at liberty.

2. Allegations in the writ petition are to the effect that the petitioner had contracted a marriage with the alleged detainee under the Special Marriage Act on 10-06-2013. Exhibit P3 is the Certificate of Marriage. The alleged detainee was studying for B.Sc Nursing at an institution at Pathanamthitta and they were meeting each other almost on all days, after the marriage was registered. Thereafter in the year 2014 she had completed her course and went back to her house at Thiruvananthapuram. During November 2014 the alleged detainee got a job as Staff Nurse at S.U.T Hospital, Thiruvananthapuram and

thereafter she got an appointment as Nurse at the Indian Institute of Diabetics, Thiruvananthapuram. It is averred that, during May, 2015 the alleged detainee informed the petitioner that her parents are inviting marriage proposals and therefore she is going to reveal about registration of the marriage.. It is alleged that, on getting information about the marriage the respondents 5 & 6 have tortured the detainee and compelled her to withdraw from the relationship with the petitioner. This writ petition is filed on the allegation that the alleged detainee is being kept under illegal confinement of respondents 5 & 6 against her free will.

3. Pursuant to notice issued by this court, respondents 5 to 7 entered appearance through counsel. They have produced the alleged detainee before this court. We interacted with the alleged detainee, Sruthi. Eventhough she had admitted the marriage contracted under Ext.P3 certificate, she said that the petitioner and herself had never lived as husband and wife. It is categorically stated

that she does not want to continue the relationship with the petitioner and she is taking appropriate legal steps to get the marriage dissolved. However, it is emphatically denied that she is in any manner under illegal confinement of respondents 5 to 7, as alleged.

4. Under the above mentioned circumstances we are convinced that the alleged detainee, Sruthi is not under any illegal confinement as alleged in this petition. Therefore there is no circumstances prevailing for issuance of any writ of Habeas Corpus. It is made clear that the parties will be at liberty to seek appropriate remedy before appropriate forum in respect of marital relationship established based on Ext.P3.

5. Therefore this writ petition is dismissed. The alleged detainee, Sruthi is permitted to go along with respondents 5 & 6.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge