

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 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(Crl.).No. 254 of 2015 (S)

PETITIONER:

**UDAYAN,
AGED 48 YEARS, S/O.RAGHAVAN,
DIPIN NIVAS, KARAIMA MURI
VALLIKUNNAM, ALAPPUZHA DISTRICT.**

BY ADV. SMT.G.VIDYA

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE DIRECTOR GENERAL OF POLICE (DGP)
POLICE HEADQUARTERS,
THIRUVANANTHAPURAM, PIN-695 001.**
- 3. CIRCLE INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT, PIN-690 502.**
- 4. SUB INSPECTOR OF POLICE
VALLIKUNNAM POLICE STATION,
ALAPPUZHA DISTRICT, PIN-690 501.**
- 5. AFSAL,
S/O.ABDUL AZEES, THALACHIRA COLONY, KLAPPANA
KARUNAGAPALLY, KOLLAM DISTRICT, PIN-690 518.**

R5 BY ADV. SMT.S.L.SYLAJA

**R1-R4 BY ADV. SMT. SREELATHA PARAMESWARAN, (SPL. G.P. FOR WOMEN
AND CHILDREN)**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 12-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

WP(Crl.).No. 254 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 : TRUE COPY OF THE FIR IN CRIME NO.585/15 DT 5-6-2015.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 254 OF 2015

DATED THIS THE 12th DAY OF AUGUST, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of the corpus of her daughter, Miss. Divya, who is allegedly under illegal detention of the 5th respondent, and to set her at liberty.

2. It is stated in the writ petition that the petitioner's daughter was missing from 04-06-2015 onwards. On the basis of a complaint submitted by the petitioner, the 4th respondent had registered a case as crime No.585/2015 with respect to missing of the alleged detainee, under Section 57 of the Kerala Police Act. Alleging that that the police authorities are not taking any steps to trace out the alleged detainee and on the basis of the allegation that she is being illegally detained by the 5th respondent, this writ petition is filed.

3. Pursuant to notice issued from this court the 5th respondent appeared and produced the alleged detainee before this court on 17-06-2015. When we interacted with the alleged

detenue she said that she is living with the 5th respondent from 04-06-2015 onwards. She expressed her desire to marry the 5th respondent in a legal manner. She had refused to go along with the petitioner. Considering the fact that there exists no legally valid marriage between the alleged detenue and the 5th respondent, this court directed the alleged detenue to be admitted in a hostel at Ernakulam. The petitioner was permitted to provide her with proper counselling. Thereafter the matter was considered on 30-06-2015. The alleged detenue reiterated her determination to marry the 5th respondent. Accordingly this court permitted the 5th respondent to take necessary steps for solemnization of the marriage, as per the Special Marriage Act. The petitioner was also permitted to continue his attempts for providing proper counselling to the alleged detenue. Subsequently the case was taken up on 15-07-2015. The 5th respondent had produced evidence regarding the notice of intimation given to the Marriage Officer, Oachira. Accordingly we permitted solemnization of the marriage on 10-08-2015, for which the alleged detenue was permitted to be taken to the Sub Registrar's office, Oachira.

4. Today when the case is taken up, learned counsel appearing for the 5th respondent had produced the Certificate of

Marriage issued by the Marriage Officer, Oachira, dated 10-08-2015. It would indicate that a valid marriage was solemnized under the Special Marriage Act between the alleged detainee and the 5th respondent, on 10-08-2015. This court takes note on record the valid marriage established between the alleged detainee and the 5th respondent .

5. Under the above mentioned circumstances the writ petition is hereby disposed of by setting the alleged detainee at liberty to live together with the 5th respondent as husband and wife, at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge