

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(Cr1.) .No. 255 of 2015 (S)

PETITIONER:

APPUKUTTAN, AGED 55 YEARS, S/O.KUTTAPPEN,
CHUDUKATTIL HOUSE, KURANTHALMURI
MALLAPUZHACHERRY VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT.PIN-

BY ADVS.SRI.K.N.RADHAKRISHNAN(THIRUVALLA)
SRI.RAVI KRISHNAN

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY SECRETARY,
HOME DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. DISTRICT POLICE CHIEF, PATHANAMTHITTA, PIN-689 645.

3. SUB INSPECTOR OF POLICE, KOIPAM POLICE STATION,
PULLAD, PATHANAMTHITTA DISTRICT, PIN-689 645.

4. RADHAKRISHNAN, CHUDUKATTIL HOUSE, KURANTHALMURI,
MALLAPUZHACHERRY VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT, PIN-689 645.

5. VISHNU, S/O.RADHAKRISHNAN, CHUDUKATTIL HOUSE,
KURANTHALMURI, MALLAPUZHACHERRY VILLAGE
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT
PIN-689 645.

R1-R3 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
MR. SHIBU KURUPU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 255 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 COPY OF MARRIAGE CERTIFICATE PETITIONER'S SON AND SOBA S DATED
23/11/11

EXT.P2 THE COPY OF THE COMPLAINT SUBMITTED TO THE 3RD RESPONDENT DATED
28/5/2015

RESPONDENT(S) ' EXHIBITS nil

/TRUE COPY/

P.A TO JUDGE

P.R. RAMACHANDRA MENON

&

K. RAMAKRISHNAN, JJ.

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W.P.(CRL.) No. 255 of 2015

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Dated, this the 18th day of June, 2015

JUDGMENT

Ramakrishnan, J.

Petitioner herein is the father-in-law of the alleged detainee Soba. S. and paternal grandfather of the minor child Krishnapriya. The above petition was filed by the petitioner seeking intervention of this Court for issuance of a writ of Habeas Corpus to produce Soba and Krishanpriya who were allegedly under the illegal custody of respondents 4 and 5.

2. Pursuant to the notice issued by this Court, the 4th respondent appeared in person and detainee is produced by her mother along with the child. We have interacted with the detainee. She had submitted that she is not under the illegal detention of respondents 4 and 5 and she had left the matrimonial home as she was ill-treated by the inmates therein. She admitted that she had

gone to Wayanad along with 5th respondent for seeing place and she had no illegal connection with the 5th respondent.

3. The learned public prosecutor submitted that on the basis of the enquiry, made on the basis of the compliant filed by the petitioner, detenue Soba and her child Krishnapriya were traced out and brought to the police station and from where she sent along with her mother as requested by her. Mother of the detenue who is also present today also submitted that Soba is now residing along with her along with the child. Detenue submitted that she is not under illegal detention of any one and she is voluntarily residing along with her mother.

In the said circumstances, we do not find any necessity to issue writ of habeas corpus as there is no illegal detention as alleged by the petitioner in the writ petition. If there is any matrimonial dispute between the petitioner's son and the detenue, it shall be sorted out before the appropriate forum. The detenue Soba and her child Krishnapriya are allowed to go along with mother of the detenue from where she brought today, as she submitted that she is residing along with her mother with her own free will.

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With the above observations, the writ petition is disposed of.

**P. R. RAMACHANDRA MENON,
(JUDGE)**

**K. RAMAKRISHNAN,
(JUDGE)**

kmd