

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(Crl.).No. 257 of 2015 (S)

PETITIONER(S) :

PREMAJA GOPINATH, AGED 60 YEARS,
W/O.GOPINATHAN, REVERVIEW ERANHOLI PALAM, THALASSERY,
CHERAKKARA, KANNUR, KERALA 670 104.

BY ADVS.SRI.R.SUDHEER
SRI.P.SAJU
SRI.R.PRATHEESH (ARANMULA)

RESPONDENT(S) :

1. THE SUPERINTENDENT OF POLICE,
KANNUR DISTRICT- PIN 670 002.
2. SUB INSPECTOR OF POLICE,
TELLICHERRY POLICE STATION,
KANNUR DISTRICT, PIN 670 101.
3. SAHABAS,
S/O.ABDUL AZEES, AGED AROUND 30 YEARS, NAFEESARH,
UKKAZ MOTTA,
KADIRUR P.O., WITHIN THE LIMIT OF KADIRUR POLICE STATION,
KANNUR DISTRICT, PIN 670 642.
4. ABDUL AZEES,
AGED AROUND 59 YEARS, NAFEESARH, UKKAZ MOTTA,
KADIRUR P.O., WITHIN THE LIMIT OF KADIRUR POLICE STATION,
KANNUR DISTRICT, PIN 670 642.

R3 BY ADVS. SMT.K.DEEPA (PAYYANUR)
SRI.V.R.NASAR

SENIOR GOVERNMENT PLEADER SRI.SHIBU JOSEPH
ADDL. DIRECTOR GENERAL OF PROSECUTION,
SRI.TOM JOSE PADINJAREKKARA

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 257 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

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EXT.P1: TRUE COPY OF F I R DATED 27/5/2015

EXT.P2: TRUE COPY OF MISSING REPORT DATED 27/5/2015

RESPONDENT(S) ' EXHIBITS

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NIL

// True Copy//

P.A. to Judge

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

W.P.(Crl.)No.257 of 2015

Dated this the 7th day of August, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is the mother of the alleged detainee, Miss. Deepthi Gopinath. This writ petition was filed on the basis of an allegation that the petitioner's daughter is missing from 24.05.2014 onwards and it was understood that she is under illegal detention of the 3rd respondent, who was her colleague at the work place. It was also alleged that the petitioner's daughter was removed to some unknown place with an intention to compel her to convert to Islam. Even though the police authorities have registered a case with respect to missing of the petitioner's daughter, based on a complaint submitted by the petitioner, no effective steps for investigating the case and to trace out the alleged detainee was taken, is the allegation. Under such circumstances this petition is filed seeking a writ of Habeas Corpus for

directing production of the alleged detainee from the illegal confinement of the 3rd respondent and to set her at liberty.

2. Based on orders issued by this court, the alleged detainee was traced out and produced before this court on 24.06.2015. When we interacted with the alleged detainee she said that she had left along with the 3rd respondent and was staying in Mumbai since 24.05.2015 onwards. She said that she had embraced Islam and a customary marriage under religious rites was performed at Mumbai. Since this court was not convinced through any authenticated evidence with respect to any approved conversion and with respect to any legally valid marriage, as desired by the alleged detainee and the 3rd respondent they were permitted to take steps to solemnize marriage under the Special Marriage Act. As agreed upon by the alleged detainee, till solemnization of a valid marriage, she was permitted to stay along with the petitioner at her parental house.

3. Today when the case is taken up for consideration, the alleged detainee and the 3rd respondent

appeared before this court and produced the 'Certificate of Marriage' issued by the Marriage Officer (Sub Registrar), Thalassery on 06.08.2015. It would indicate that marriage between the alleged detainee and the 3rd respondent was solemnized under the provisions of the Special Marriages Act, 1954, on 05.08.2015. Both the alleged detainee and the 3rd respondent said that they are intending to lead marital life and to stay at Mumbai, for the time being, where the 3rd respondent is at present employed.

Under the above mentioned circumstances, this writ petition is disposed of by recording the valid marriage established between the alleged detainee and the 3rd respondent. The alleged detainee is set at liberty to live together with the 3rd respondent as husband and wife, at any place of their choice.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge