

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR.JUSTICE K.RAMAKRISHNAN**

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYASHTA, 1937

WP(Crl.).No. 258 of 2015 (S)

PETITIONER(S):

**PRASAD P.V., AGED 26 YEARS,
S/O. PALANI, VALAVIPADAM HOUSE, RAIL NAGAR,
PONNURUNI, VYTTLA.P.O., KOCHI-682 019.**

BY ADV. SRI.T.JEEJAN

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
NJARAKKAL POLICE STATION, ERNAKULAM-682 508.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM-682 031.**
- 3. HASEENA,
W/O. RAHIM, ARAKKAL HOUSE, PUTHUVYPE.P.O.,
PIN-682 508, ERNAKULAM DISTRICT.**

R1 & 2 BY GOVERNMENT PLEADER SRI. JOBY JOSEPH.

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

:2:

WP(Crl.).No. 258 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - MARRIAGE CERTIFICATE DT.23.2.15.

RESPONDENT(S)' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

SS

P.R. RAMACHANDRA MENON &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.258 of 2015

Dated this the 19th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

The petitioner herein has claimed to be the husband of the detainee Miss. Raina A.R., filed this petition seeking a writ of habeas corpus to produce the body of the detainee Miss. Raina A.R. and set her free under Article 226 of the Constitution of India.

2. It is alleged in the petition that the petitioner and the detainee belongs to different community, namely Hindu and Muslim respectively and they were in love and they contracted the marriage on 23.02.2015 as per the Provisions of Special Marriage Act evidenced by Ext.P1 certificate issued by the Marriage Officer, Maradu, and the marriage was witnessed by friends of the detainee and friends and relatives of the petitioner. Thereafter they were living as husband and wife. On 06.06.2015 at about 3.00 p.m., the relatives of the detainee and their henchmen came to the petitioner's house and forcefully

took the detenue with them without the knowledge and consent of the petitioner. Thereafter he tried to contact the detenue, he could not succeed in that attempt. Petitioner is a Hindu by religion and the detenue is a muslim woman. Though the petitioner and relatives have made attempts to convince the parents and relatives regarding the solemnization of the marriage, the parents and the relatives of the detenue took the stand that they will not allow the detenue to live with the petitioner at any cost. It is alleged that she was illegally locked in a room and not permitting her to go outside against her will, hence this writ petition was filed.

3. As per the orders of this court, the detenue was produced by 3rd respondent, mother of the detenue. We have interacted with the detenue Miss. Raina A.R. Though she had admitted the marriage, she stated that since both of them belong to different community and without conversion to either of the community, it is not possible for them to lead a happy married life, for which the relatives of both of them are not agreeable, so she is not interested in going along with the petitioner and she is living with her mother out of her free will and she is not under

any illegal detention by 3rd respondent as alleged by the petitioner.

4. So under the circumstances, we are convinced that, there is no illegal detention of the detinue as alleged by the 3rd respondent or there is no necessary to issue any writ of habeas corpus in favour of the petitioner as claimed in the petition. So the petition is liable to be dismissed. We do so. However it will be open to the parties to move the appropriate forum for appropriate relief in respect of their alleged marital relationship.

With the above direction and observation, the petition is dismissed. The detinue is permitted to go along with her mother, 3rd respondent.

Sd/-

P.R. Ramachandra Menon, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge