

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 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(Crl.).No. 259 of 2015 (S)

PETITIONER:

LATHEESH K, AGED 28 YEARS,
S/O.KUMARAN, EDAYILAPURAM, KULAKKARA,
KULAKKARA P.O, KALAYAPURAM VILLAGE, KOTTARAKKARA TALUK
KOLLAM DISTRICT.

BY ADVS.SRI.V.C.JAMES
SRI.E.HARIDAS

RESPONDENTS:

1. COMMISSIONER OF POLICE
THIRUVANANTHAPURAM CITY, THIRUVANANTHAPURAM.

2. SUB INSPECTOR OF POLICE,
PUTHOOR POLICE STATION, PUTHOOR P.O, KOLLAM DISTRICT.

3. JOHN (S/O.NOT KNOWN)
A.N TOWER, POOVATHOOR, MAVADI P.O
KOLLAM DISTRICT.

4. SURESH, (B/O. JOHN),
A.N TOWER, POOVATHOOR, MAVADI P.O
KOLLAM DISTRICT.

R1 & 2 BY SRI.TOM JOSE PADINJAREKKARA- ADDL.DIRECTOR GENERAL OF
PROSECUTION WITH GOVERNMENT PLEADER SRI.SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1. COPY OF FIRST INFORMATION REPORT IN CRIME NO.624/15 DATED 24.5.15 OF PUTHOOR POLICE STATION.

EXHIBIT P2. COPY OF THE MEMORANDUM SUBMITTED TO THE HONOURABLE HOME MINISTER OF KERALA DATED 27.5.15.

EXHIBIT P3. COPY OF RECEIPT NO.N.G 9/39914/2015TV ISSUED BY THE DIRECTORATE OF THE COMMISSIONER OF POLICE IN THIRUVANANTHAPURAM CITY DATED 27.5.15.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.S TO JUDGE

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

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W.P.(Crl)No.259 of 2015
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Dated this the 23rd day of June, 2015.

JUDGMENT

Abdul Rehim, J:

The petitioner is seeking a writ of habeas corpus for directing production of his sister - Miss. Chitra. L before this Court and to set her at liberty, based on the allegation that she is under illegal confinement of respondents 3 and 4. Averments in the writ petition is that the alleged detainee was working in a textile shop namely 'Anjali Textiles' at Poovathoor. From 24.5.2015 onwards she was missing from the house. On subsequent enquiries it is revealed that the 3rd respondent, who is the owner of the above said textile shop, was also missing. The petitioner submitted a complaint before the 2nd respondent about the missing of his sister, based on which a case was registered as per Ext.P1 under Section 57 of the Kerala Police Act. But the investigation conducted has not turned out with any positive result. Whereabouts of the petitioner as well as the 3rd respondent could not be traced out by the police authorities. It is stated that the 3rd respondent is

a person having wife and two children. Under the above mentioned circumstances, this writ petition is filed on the allegation that the 3rd respondent is illegally detaining the alleged detainee.

2. Based on orders passed by this Court, the 2nd respondent had caused production of the alleged detainee Miss. Chitra. L before this Court, on today. It is submitted that, apart from the crime registered with respect to missing of the alleged detainee, another case was also registered as Crime No.648/2015 under Section 57 of the Kerala Police Act, based on information regarding the missing of the 3rd respondent. While the above said cases were being investigated on 18.6.2015, the alleged detainee as well as the 3rd respondent appeared at Poovathoor police station. The alleged detainee as well as the 3rd respondent were produced by the 2nd respondent before the Judicial First Class Magistrate Court-II, Kottarakkara on 19.6.2015. The learned Magistrate had sent the alleged detainee to Mahila Mandiram, Karicode, Kollam. It is stated that today the alleged detainee was produced from the said hostel.

3. We interacted with the alleged detainee Miss. Chitra L. She said that on 24.5.2015 she went along with the 3rd

respondent to Velankanni and was staying with him. When we apprised about the inability to have any legally valid marriage with the 3rd respondent, he being a person having wife and two children, the alleged detainee agreed that she is prepared to go along with the petitioner and her parents. However, it is categorically stated that she is not under any illegal confinement of the 3rd respondent, as alleged. We notice that the alleged detainee is a girl aged 24 years. Since she had expressed her desire to go along with the petitioner and her parents, she is set at liberty and permitted to go along with them.

Under the above mentioned circumstances, the writ petition is hereby disposed of by permitting the alleged detainee - Miss. Chitra. L to go along with the petitioner.

Sd/-
C.K.ABDUL REHIM, JUDGE.

Sd/-
K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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