

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(Crl.).No. 260 of 2015 (S)

PETITIONER(S):

JIMMY JAMES, AGED 38 YEARS, S/O.JAMES JOSEPH,
ILANJIKKAL KARIKKAMPALLIL HOUSE, CHEKKIDIKKADU MURI,
THAKAZHI VILLAGE.

BY ADVS.SRI.S.SANAL KUMAR
SRI.M.T.SURESH KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENT(S):

1. SHAJI, AGED 32 YEARS, S/O.NIZAR MOHAMMED, SOUMYA HOUSE,
CHAKKALAMUKKU, MANGAPPARA VILLAGE, SREEKARYAM P.O.,
2. THE SUB INSPECTOR OF POLICE, EDATHUA POLICE STATION,
ALAPPUZHA-689 573.
3. DISTRICT POLICE CHIEF, ALAPPUZHA-689 122.

R2 & 3 BY SRI. ASAF ALI, DIRECTOR GENERAL OF PROSECUTION.
R1 BY ADV. SRI.P.SHANES METHAR
DETENU BY ADV. SRI.K.S.PRAVEEN
GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP(Crl.).No. 260 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
 NO.391/2015 DATED 27.04.2015.**
- P2- TRUE COPY OF THE APPLICATION SUBMITTED BY THE
 PETITIONER'S WIFE DATED 22.05.2015 WITH THE ORDER DATED
 25.5.15 OF JUNIOR SUPERINTENDENT.**

RESPONDENT(S)' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.260 of 2015

Dated this the 22nd day of June, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is seeking a writ of habeas corpus directing for release of his wife Smt.Mariya Jimmy, based on the allegation that she is under illegal detention of the first respondent. Averments in the writ petition is that Smt.Maria Jimmy is missing from the house of the petitioner since 22.04.2015 onwards. With respect to the missing of wife of the petitioner a crime was already registered before the 2nd respondent, under Section 57 of the Kerala Police Act, as per Ext.P1. Allegation is that the petitioner came to know that the first respondent had developed some relationship with the wife of the petitioner and on that basis she had eloped with him. It is admitted that the petitioner's wife was produced before the Judicial First Class Magistrate Court, Ambalapuzha, in connection with the

crime registered and she was released at liberty. But, allegation of the petitioner is that he was not informed about production of the alleged detainee before the Judicial First Class Magistrate Court, Ambalapuzha. This writ petition is filed raising the specific allegation that the petitioner's wife is illegally detained by the first respondent and she is being blackmailed by the first respondent.

2. The first respondent entered appearance through counsel and submitted that he had no connection at all with the wife of the petitioner and that she is not under his custody.

3. Counsel entered appearance on behalf of the alleged detainee, Smt.Mariya Jimmy and submitted that she is present before this court on today. We interacted with the alleged detainee. She said that she is the wife of the petitioner and there are two children born out the wedlock. According to the alleged detainee, she had left the matrimonial house only because of continuous cruelty and

torture inflicted by the petitioner. It is said that she is living along with her parents and that she had come to this court on today along with her mother and maternal uncle. It is specifically stated that she is not under any illegal confinement of the first respondent as alleged, and she had no illegal relationships with the first respondent. It is stated that she is now living with her parents on her own free wish and will and she wants to go back along with her mother.

4. From the circumstances as narrated above we are of the considered opinion that there is no materials available before this court to presume that the alleged detainee Smt.Mariya Jimmy is in any manner under illegal confinement of the first respondent, as alleged. Hence there is no circumstances warranting for issuance of any writ of habeas corpus. However, we make it clear that the petitioner as well as the alleged detainee will be at liberty to sort out the disputes if any, with respect to the matrimonial relationship before the appropriate court.

Hence this writ petition is hereby dismissed, reserving liberty to the parties as mentioned above. The alleged detenue, Smt.Mariya Jimmy is set at liberty to go along with her mother as desired by her.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge

SS