

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

WP(Crl.).No. 262 of 2015 (S)

PETITIONER:

**JAMESKUTTY JOHN,
AGED 58 YEARS, S/O.VARGHESE JOHN, MANAKUNNEL HOUSE
MANIMOOLY P.O. NILAMBUR, MALAPURAM DISTRICT 679 333.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENTS:

- 1. SUPERINTENDENT OF POLICE, MALAPPURAM
MALAPPURAM DISTRICT 676505.**
- 2. SUB INSPECTOR OF POLICE,
KOLATHUR POLICE STATION, MALAPURAM DISTRICT 679338**
- 3. BEERAN HAJI,
PARASSERI HOUSE, KAVALAMUKKTTA, PATTAKARIMBU
POOKOTTUMPADAM, MALAPPURAM DISTRICT 679332.**
- *4. MUHAMMED MANSOOR. P,
AGED 24 YEARS, S/O. VEERAN P.,
PARASSERI HOUSE, KAVALAMUKKTTA P.O., PATTAKARIMBU
MALAPPURAM DISTRICT, PIN-679332.**

**R1-R2 BY ADV. DIRECTOR GENERAL OF PROSECUTION
RADDL. BY ADV. SRI.P.K.IBRAHIM
RADDL. BY ADV. SMT.K.P.AMBIKA
RADDL. BY ADV. SMT.A.A.SHIBI
R BY GOVERNMENT PLEADER**

***[R4 IS IMPEADED AS PER ORDER DATED 21-07-2015 IN IA No.10432/2015 IN
WP (CR) No.262/2015.]**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 31-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

W.P (CR) No.262/2015.

APPENDIX

PETITIONER'S EXHIBITS

NIL

RESPONDENTS' EXHIBITS

EXT- R4 (a) - TRUE COPIES OF THE POSTAL RECEIPTS ISSUED FOR REGISTERING THE LETERS ADDRESSED TO THE PETITIONER AND OTHERS.

EXT- R4 (b) - TRUE COPY OF THE ACKNOWLEDGMENT DATED 24-07-2015 ISSUED BY THE OFFICE OF REGISTRAR, NILAMBUR.

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

W.P (CrI.) No. 262 OF 2015

DATED THIS THE 31st DAY OF AUGUST, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner herein is the father of Miss. Liya James, who is allegedly missing from her house since 09-06-2015 onwards. The alleged detinue was working as a Staff Nurse at the M.E.S Medical College, Malappuram. She went from the house to her work place on 01-06-2015. But the petitioner got information that she is missing from 09-06-2015 onwards. On enquiry it is revealed that she was taken into custody by the 4th respondent, who wanted to marry her. The 3rd respondent is the father of the 4th respondent. This writ petition is filed seeking a writ of Habeas Corpus for directing production of the petitioner's daughter, based on an allegation that she is under illegal confinement of respondents 3 & 4. It is stated that, based on a complaint lodged by the petitioner, a case was registered at Kolathur Police Station as Crime No.384/2015 under Section 57 of

the Kerala Police Act. But on the allegation that no effective steps were taken to find out the alleged detainee and based on the allegation that she is under illegal confinement against her free will, this writ petition is filed.

2. Based on various orders issued by this court directing the police authorities to intensify the investigation of the case and to trace out the alleged detainee, the additional 4th respondent had produced the alleged detainee before this court on 21-07-2015. When we interacted the alleged detainee expressed her strong desire to marry the 4th respondent. It is said that she had gone along with the 4th respondent on 09-06-2015 and was staying along with him at various places. She made a request to permit her for solemnizing her marriage with the 4th respondent under the Special Marriage Act. However, since there existed no legally valid marriage this court was not willing to send the alleged detainee along with the 4th respondent. Therefore we directed the 2nd respondent to admit the alleged detainee at Santhinikethan Hostel, Samajam Road, Vaduthala. But on

the same day itself the alleged detainee expressed her desire and willing to stay along with the petitioner at the parental house till the next posting of the case. Therefore she was permitted to go along with the petitioner and the case was adjourned to 28-07-2015.

3. On 28-07-2015 the alleged detainee was produced before this court. The alleged detainee expressed unwillingness to stay at the parental house. She wanted to go along with the 4th respondent to have a life with him. Since there existed no legally valid marriage between the alleged detainee and the 4th respondent, we again directed the alleged detainee to be admitted in a Hostel at Ernakulam. The 4th respondent was directed to complete the requisite formalities for solemnization of the marriage, for which the alleged detainee was permitted to appear before the Marriage Officer, Nilumbur.

4. Today, when the case is take up for consideration, counsel appearing for the 4th respondent had produced a Marriage Certificate issued under the Special Marriage Act.

The said certificate issued by the Marriage Officer (Sub Registrar), Nilumbur would indicate that a valid marriage was solemnized on 24-08-2015. This court takes note on record the valid marriage established between the alleged detainee and the 4th respondent.

5. Under the above mentioned circumstances this writ petition is disposed of based on the findings that the alleged detainee is not under any illegal confinement at present. She is set at liberty to live with the 4th respondent as husband and wife based on the valid marriage established, at any place of their choice.

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

Sd/-
MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge