

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(Cr1.).No. 265 of 2015 (S)

PETITIONER(S)/PETITIONERS:-:

1. O.H.VENUGOPAL, AGED 50 YEARS,
SON OF HARIHARAN, PARVATHI NIVAS, PADIVATTOM ROAD,
VENNALA.P.O., CHALIKKAVATTOM, ERNAKULAM,
KOCHI-28.
2. MAYA VENUGOPAL, AGED 43 YEARS,
WIFE OF VENUGOPAL, PARVATHI NIVAS, PADIVATTOM ROAD,
VENNALLA.P.O., CHALIKKAVATTOM, ERNAKULAM,
KOCHI-28.

BY ADVS.SRI.T.K.VENUGOPALAN
SRI.V.V.VARGHESE

RESPONDENT(S)/RESPONDENTS:-:

1. DISTRICT POLICE CHIEF,
ERNAKULAM - 682 031.
2. STATION HOUSE OFFICER,
CENTRAL POLICE STATION, ERNAKULAM - 682 031.
3. JINU ANTONY, AGE AND FATHER'S NAME NOT KNOWN,
PADICKALPARAMBIL HOUSE, NEAR ST.AUGUSTINE'S CHURCH,
AROOR, ALLEPPY DISTRICT - 688 538.

R1 & R2 BY SRI. TOM JOSE PADINJAREKKARA,
ADDL.DIRECTOR GENERAL OF PROSECUTION
R3 BY ADV. SRI.LINDONS C.DAVIS
GOVERNMENT PLEADER SRI.SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP(Crl.).No. 265 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS
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EXHIBIT P1. 11/06/2015 TRUE PHOTOSTAT COPY OF THE COMPLAINT FILED
BY THE 2ND PETITIONER BEFORE THE SECOND RESPONDENT.

RESPONDENT(S) ' EXHIBITS
----- : NIL

//True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.265 of 2015

Dated this the 23rd day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

Petitioners are the parents of Miss.Parvathy Venugopal, a girl aged 19 years, who was studying for B.A. Degree in St.Teresa's College, Ernakulam. This writ petition is filed with an allegation that the alleged detainee Miss.Parvathy Venugopal was missing since 10.06.2015 onwards. The petitioner filed a complaint before the 2nd respondent about the missing of the alleged detainee, on the basis of which a crime was registered and investigated. The alleged detainee was traced out by the police authorities and produced before the Magistrate Court on 11.06.2015. The learned Magistrate, after recording statement of the alleged detainee, had set her at liberty. But the alleged detainee went along with the 3rd respondent and at that time the 3rd respondent informed the petitioner that they got

married and are living as husband and wife. It is alleged that, eventhough the petitioners tried to contact the alleged detenue over telephone, her telephone was switched off. According to the petitioners no marriage between the 3rd respondent and the alleged detenue has taken place. This writ petition is filed based on an allegation that the 3rd respondent is detaining the alleged detenue illegally, against her free will. Hence the petitioners are seeking a writ of Habeas Corpus directing for production of the alleged detenue and to set her at liberty.

2. Based on orders issued by this court, the 3rd respondent entered appearance and produced the alleged detenue on 22.06.2015. When we interacted with the alleged detenue, she informed that a marriage was solemnized at Kalavamkodam Sree Saktheeswara Kshethram, Cherthala, on 09.06.2015 and she is living along with the 3rd respondent at his house, since 10.06.2015 onwards. Having taken note of the fact that, the alleged detenue belongs to Hindu religion and that the 3rd

respondent is a Christian, this court was of the considered opinion that there established no legally valid marriage between the parties. The 3rd respondent informed this court that, notice of intimation of marriage under provisions of the Special Marriages Act has already been given before the Marriage Officer, Kuthiyathodu on 09.06.2015 and that the marriage can be solemnized after a period of 30 days. Under such circumstances, we directed the alleged detainee to be admitted in a Hostel at Ernakulam and she was permitted to pursue her studies. Further, direction was also issued permitting her to appear before the Marriage Officer, Kuthiyathodu, for completing formalities of the marriage. The case was adjourned for further consideration to today.

3. Today when the case is called up, the counsel appearing for the 3rd respondent had produced copy of the Certificate of Marriage issued by the Marriage Officer, Kuthiyathodu, dated 20.07.2015. It would indicate that a valid marriage under the Special Marriage Act has been

solemnized between the 3rd respondent and the alleged detenue on 20.07.2015. The alleged detenue as well as the 3rd respondent are personally present before this court. They informed that they are indenting to live together as husband and wife at the residence of the 3rd respondent. We take note on record about the valid marriage solemnized between the petitioner and the alleged detenue.

Under the above mentioned circumstances, this writ petition is hereby disposed of by setting the alleged detenue at liberty to live together with the 3rd respondent as husband and wife based on the valid marriage established, at any place of their choice.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

//True Copy//

PA. to Judge