

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 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(Crl.).No. 267 of 2015 (S)

PETITIONER(S) :

K.T.THRESSIA @ LILLY THOMAS, AGED 64 YEARS,
W/O. THOMAS PALOCARAN, PALOCARAN AVENUE,
NADATHARA VILLAGE, THRISSUR TALUK.

BY ADVS.SRI.LINDONS C.DAVIS
SMT.R.K.ASHA

RESPONDENT(S) :

1. SUB INSPECTOR OF POLICE,
CHELEKKARA, CHELEKKARA POLICE STATION,
CHELEKKARA-680 586.
2. MAHILA MANDIRAM,
RAMAVARAMA PURAM, VIYYUR, THRISSUR-680 001
REPRESENTED BY ITS SUPERINTENDENT.
3. SHIVAMANI,
AKAMODATHIL HOUSE, CHELEKKARA VILLAGE,
THRISSUR DISTRICT-680 586.
4. GEETHA,
W/O.SHIVAMANI, AKAMODATHIL HOUSE, CHELEKKARA VILLAGE,
THRISSUR DISTRICT-680 586.

R1 BY SRI.TOM JOSE PADINJAREKKARA
ADDL.DIRECTOR GENERAL OF PROSECUTION
R3,R4 BY ADV. SRI.SAJAN VARGHEESE K.
R2 BY ADV.SRI.LIJU. M.P.
GOVERNMENT PLEADER SRI. SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 267 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE BROCHURE OF THE KOATTAKAL AYURVEDA
AKADEMI ALONG WITH THE RECEIPT OF TUITION FEE AND
HOTEL FEE.

EXHIBIT P2: TRUE COPY OF THE ORDER OF HON'BLE JUDICIAL FIRST CLASS
MAGISTRATE, WADAKKANCHERY DATED 11.6.2015 IN CMP
NO.4771/15.

EXHIBIT P3: COPY OF LETTER OF DETENUE.

RESPONDENT(S) ' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.267 of 2015

Dated this the 21st day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is a Social Worker, who is the president of Vanitha Kala Sahithi. It is stated that she is a Psychologist by profession and also a writer. This writ petition is filed based on an information received by her that the alleged detainee, Miss.Sinjutha, daughter of respondents 3 and 4 is admitted to the 'Mahila Mandiram', Thrissur by the 1st respondent against her will and she is being illegally confined. Averments in the writ petition is to the effect that, the alleged detainee was working with a traditional 'Auyurveda Vaidhyan' at Chelekkara, by staying in his house, since the last about 8 months. She was assisting him in 'Panchakarma' treatment. The alleged detainee expressed her displeasure in residing with her parents at the parental house and she wanted to join for a

course in 'Panchakarma' at Kottakkal Ayurveda Academy. But the 1st respondent had put her at the 'Mahila Mandiram' on the basis of a complaint lodged by the 3rd respondent. According to the petitioner, the alleged detainee is now under confinement in a manner not permitting her to pursue her studies at the above said institution, where she had secured admission by paying the requisite fee. In this writ petition the petitioner is seeking a writ of Habeas Corpus for directing production of the alleged detainee and to set her at liberty, on the basis of the allegation that she is under illegal confinement.

2. Pursuant to orders issued by this court the alleged detainee, Miss.Sinjutha was produced before this court on 26.06.2015. When we interacted with the alleged detainee, she expressed her unwillingness to go along with respondents 3 and 4. It was informed that she is interested in joining for the 'Panchakarma' Therapy Course at Kottakkal Ayurveda Academy, which course will begin from

08.07.2015. Respondents 3 and 4 undertook before this court that they will admit the alleged detainee for the said course and will make payment of the requisite fee and will comply with formalities required for admitting her in the hostel of the said institution. Accordingly, we permitted the alleged detainee to be shifted to 'Asha Deepam Hostel', Vettukad, Ollur, Thrissur, and further directed respondents 3 and 4 to take her to 'Kottakkal Ayurveda Academy' on the beginning of the course, and to admit her in the hostel of the said institution.

3. On 10.07.2015, when the case is taken up for further consideration, it was informed that the alleged detainee was already admitted at Kottakkal Ayurveda Academy for the course in Ayurveda 'Panchakarma' Therapy and that she is staying in the hostel of the said institution. But learned counsel appearing for respondents 3 and 4 informed this court that the alleged detainee is not interested in continuing her studies in the said institution

and she wants to come back to her parental house. On that basis permission was sought for to take back the alleged detainee to the house of respondents 3 and 4. On the basis of the said request, we directed the alleged detainee to be produced before this court on today. The alleged detainee is produced before this court. We interacted with the alleged detainee. She said that she is not intending to pursue her studies at Kottakkal Ayurveda Academy, since she wanted to join with her parents. It is further submitted that since the 3rd respondent is not keeping well, she is not at present interested in continuing her study at any other place.

4. Under the above mentioned circumstances, we are of the considered opinion that, it is only just and proper in the interest of justice to permit the alleged detainee to go along with respondents 3 and 4 to her parental house and to stay along with them. The 4th respondent is personally present before this court on today. Under the above mentioned circumstances, the writ petition

is hereby disposed of by setting the alleged detenue, Miss.Sinjutha at liberty to go along with the 4th respondent and to continue her stay at the parental house of respondents 3 and 4.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge

SS