

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(Crl.).No. 270 of 2015 (S)

PETITIONER:

**JOSHITH.C.P.,
S/O.KUNHAN KURUP, AGED 27 YEARS,
CHELAKOT PULLAT HOUSE,
VALLIKUNNU P.O., KADALUNDI NAGARAM
MALAPPURAM DISTRICT.**

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE,
PANDALAM POLICE STATION,
PATHANAMTHITTA DISTRICT, PIN-689N 001.**
- 2. CIRCLE INSPECTOR OF POLICE,
PANDALAM, PATHANAMTHITTA DISTRICT, PIN-689 001.**
- 3. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA DISTRICT, PIN-689 001.**
- 4. DIRECTOR GENERAL OF POLICE (LAW & ORDER),
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.**
- 5. MATHEW,
AGED 55, PADINJARA KOTTARATHIL HOUSE,
ULLANADU P.O., KULANADA, NEAR PANDALAM,
PATHANAMTHITTA DISTRICT, PIN-689 503.**

R1-R4 BY ADV. SRI. ABHIJETH LESSLE, GOVT. PLEADER

R5 BY ADVS. SRI.M.T.SURESHKUMAR

SRI.S.SANAL KUMAR

SMT.SMITHA PHILIPOSE

SMT.BHAVANA VELAYUDHAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

WP(Crl.).No. 270 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF TH PHOTOGRAPH SHOWING THE PETITIONER AND
DETENUE.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

W.P (Crl.) No. 270 OF 2015

DATED THIS THE 3rd DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court seeking a writ of Habeas Corpus directing for production of Miss. Roshni Mathew, daughter of the 5th respondent based on the allegations that the 5th respondent and other family members are illegally detaining her against her free will. Averments are to the effect that, the petitioner and the alleged detainee are in love and they have decided to marry. But the 5th respondent and other family members of the alleged detainee are against the marriage, and in order to prevent their marriage the 5th respondent and some other family members have taken the alleged detainee forcibly from the Hostel where she was staying, on 09-06-2015. It is alleged that the detainee is kept out of reach of the petitioner and attempts made by the petitioner to locate her

turned futile. It is also alleged that the 5th respondent is compelling her to enter into another marriage, against her will and wish. On the above basis it is alleged that Miss. Roshni Mathew is under illegal confinement. Hence this writ petition is filed.

2. Pursuant to orders passed by this court, the 5th respondent entered appearance through counsel. Today the alleged detainee is produced before this court. We interacted with the alleged detainee, Miss. Roshni Mathew. She said that she is not in any manner under illegal confinement of the 5th respondent, as alleged. According to her she is intending to marry the petitioner only after convincing her parents and only on getting their consent. She said that at present she is desiring to go along with 5th respondent to her parental house. She is intending to have further talks with the petitioner on the matter of their future relationship.

3. Under the above mentioned circumstances we are of the opinion that the allegation regarding illegal

confinement of the alleged detainee is totally baseless. We do not find any materials warranting interference of this court to issue a writ of Habeas Corpus by invoking powers vested under Article 226 of the Constitution of India.

4. Under the above mentioned circumstances the writ petition deserves no merit and the same is accordingly dismissed. The alleged detainee is set at liberty to go along with the 5th respondent.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge