

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 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(Crl.).No. 271 of 2015 (S)

PETITIONER:

**VINOY VARKEYCHAN,
AGED 25 YEARS, S/O.VARKEYCHAN,
MANGALY HOUSE, KANJIRAPUZHA PO
MANNARKKAD.**

**BY ADVS.SMT.REENA ABRAHAM
SMT.SREEJA V NAIR**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. SUPERINTENDENT OF POLICE,
KASARAGODE, PIN-671 121.**
- 3. CIRCLE INSPECTOR OF POLICE,
KASARGOD CIRCLE,
KASARGOD-671 121.**
- 4. ELSY,
AGED 45 YEARS, W/O.JOSE P.J.,
PAREKKATTIL HOUSE, KUNTIKANA PO
KOLLAMPARA, BADIADUKA, KASARGODE-671 551.**

**R1-R3 BY ADVS. SRI. TOM JOSE PADINJAREKKARA, ADGP &
SRI. SHIBU JOSEPH, SR. GOVT. PLEADER**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 14-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF THE MARKLIST OF MISS CHINJU JOSE.**
- P2 : TRUE COPY OF THE MESSAGES SENT BY CHINJU TO HER LAWYER FROM MAY 10TH ONWARDS.**
- P3 : TRUE COPY OF THE COMPLAINT DATED 15-6-2015 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.**
- P4 : TRUE COPY OF THE POSTAL RECEIPT ISSUED BY THE POSTAL AUTHORITY.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 271 OF 2015

DATED THIS THE 14th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is a native of Kanjirampuzha at Mannarkkad in Palakkad district. He is at present employed in Chennai. This writ petition is filed raising allegation that one Miss.Chinju Jose, daughter of the 4th respondent, is under illegal confinement at her residence against her will and that despite complaints made by the petitioner before respondents 2 & 3 no action was taken to set her at liberty. Averments are to the effect that, Miss.Chinju Jose was working in a convent at Jharkhand. She wanted to pursue her studies and was trying to get admission for plus two course for Arts group in some colleges. As per request made by her the petitioner made enquiries and secured admission for her at the National College, Thiruvalla for the group Humanities. But the 4th respondent is not at all interested in permitting further education of the alleged detainee and she

wanted the alleged detainee to come back from Jharkhand. Eventhough the alleged detainee came back from Jharkhand on the belief that the 4th respondent will permit her to pursue her studies, she was not permitted to contact anyone or to join for the course of her own choice. Instead of the 4th respondent had taken hasty steps to give her in marriage to somebody. According to the petitioner the alleged detainee had contacted for the help of the petitioner through telephone messages and requested to rescue her from the confinement of the 4th respondent at her parental house. Eventhough the petitioner submitted Ext.P3 complaint before the 2nd respondent no action was taken by the police authorities. Therefore the petitioner is approaching this court based on an allegation that the alleged detainee, Miss.Chinju Jose, is under illegal confinement of the 4th respondent.

2. Pursuant to orders issued by this court, the alleged detainee, Miss.Chinju Jose was produced before this court on 03-07-2015. When we interacted with her, she complained that she is not permitted to have free movement

to outside the house and that she is not permitted to continue her studies at the institution at Thiruvalla where she had secured admission. We permitted the alleged detainee to have interaction with her parents to pursue them to agree upon a settlement for continuation of her studies. It was agreed that necessary arrangements will be made for permitting her continued studies, in consultation with her brother who is working in Indian Navy. On that basis the case was adjourned to today, directing the parents and the brother to be present and to produce the alleged detainee before this court.

3. Today when the case is taken up it is submitted by learned counsel for the petitioner that, after interactions between the alleged detainee and her brother, a settlement was arrived to the effect that the alleged detainee will be permitted to pursue her studies in some institution by staying in a Hostel, away from the house of the 4th respondent. We interacted with the alleged detainee, her brother and parents. All of them have agreed that on the basis of the settlement arrived the alleged detainee is willing

to go along with the 4th respondent in order to facilitate the arrangement for securing admission in some institutions and for arranging stay of the alleged detainee in any of the Hostels available.

4. It is submitted by learned counsel for the petitioner that based on the interactions and deliberations it was agreed that a joint counselling of the parents and the detainee will be arranged at NIMHANS, Bangalore within a short period. It was also agreed that education facilities will be provided to the alleged detainee by putting her at some Hostel, somewhere in Kannur or Calicut. It was agreed upon that the alleged detainee will pursue her studies with the protection and care of her brother and that the progress of the academic matters will be communicated between them on a frequent basis. It is mentioned that the alleged detainee was also given assurance that she will not be married to anyone, forcibly against her will. It is mentioned that the alleged detainee had also agreed to abide by the above said terms agreed upon and she will not be having any contact with any outsiders. She had also agreed not to

use any other telephone, except the one entrusted by her brother, during her stay at the Hostel.

5. Having agreed upon the terms as mentioned above, the alleged detainee informed this court that she is ready and willing to go along with the parents and her brother, who are personally present before this court.

6. Based on the above mentioned circumstances, we are of the considered opinion that there is no illegal confinement existing at present. Hence the writ petition is closed by reserving liberty to the alleged detainee to pursue her studies under the care and protection of 4th respondent and other family members.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge