

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 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(Crl.).No. 272 of 2015 (S)

PETITIONER:

SHAJI,
AGED 53 YEARS, S/O. NANU,
JOLLY VILASOM, KUTTIKKAD.P.O.
KADAKKAL VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

1. THE STATE POLICE CHIEF
POLICE HEADQUARTERS, VAZHTHACAUD
THIRUVANANTHAPURAM-695014.
2. THE DISTRICT POLICE CHIEF,
KOLLAM RURAL, KOTTARAKKARA.P.O., KOLLAM-691506.
3. THE CIRCLE INSPECTOR OF POLICE,
PATHANAPURAM.P.O., KOLLAM-689695.
4. THE STATION HOUSE OFFICER,
PATHANAPURAM POLICE STATION,
PATHANAPURAM.P.O., KOLLAM-689695.
5. SRI. RAJU,
S/O.NANU, THOPPUVILA THAZHATHIL VEEDU, KADAKKAMON
PUNNALA VILLAGE, PATHANAPURAM.P.O., KOLLAM-689695.
6. SMT. PRABHA,
W/O. RAJU, THOPPUVILA THAZHATHIL VEEDU, KADAKKAMON
PUNNALA VILLAGE, PATHANAPURAM.P.O., KOLLAM-689695.
7. SRI. ARUN RAJ,
S/O. RAJU, THOPPUVILA THAZHATHIL VEEDU, KADAKKAMON
PUNNALA VILLAGE, PATHANAPURAM.P.O., KOLLAM-689695.

R1 TO R4 BY ADVS. SRI. T. ASAF ALI, DGP &
SMT. KOCHUMOL KODUVATH, SR. GOVT. PLEADER.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 02-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE COMPLAINT DATED 17/06/2015 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 272 OF 2015

DATED THIS THE 2nd DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

This writ petition is filed raising an allegation that the petitioner's son Sri. Jyothish Kumar is illegally detained by respondents 5 to 7. The 5th respondent is the brother of the petitioner. The 6th Respondent is the wife of the 5th respondent and the 7th respondent is their son. Sri. Jyothish Kumar was working abroad. He came back to India on leave on 12-06-2015. Allegation is that Sri. Jyothish Kumar, with connivance of respondents 5 to 7, fell in love with a girl named Rejitha and that the respondents 5 to 7 are supporting him and permitting him to reside with them. It is alleged that, when the petitioner went to the house of the 5th Respondent on 12-06-2015 to see his son, respondents 5 to 7 assaulted him. In this writ petition the petitioner is seeking a writ of Habeas Corpus for directing production of

Sri. Jyothish Kumar, based on the allegation that he is under illegal confinement of respondents 5 to 7 and their henchmen.

2. When the case came up for consideration on 22-06-2015, learned Government Pleader sought time to get instructions from respondents 3 & 4, with respect to the allegation of detention. Today when the case is called up the 3rd respondent is present along with the alleged detainee, Sri.Jyothish Kumar. We interacted with Sri. Jyothish Kumar. He said that he came on leave to India on 12-06-2015 and is staying along with respondents 5 to 7 in the house of the 5th Respondent at Pathanapuram. It is further stated that he had solemnized a customary marriage with Rejitha on 22-06-2015 at a temple at Pathanapuram. It is also mentioned that steps for registering the marriage under the Kerala Registration of Marriages (Common) Rules 2008 has already been taken before the authority concerned. Sri. Jyothish Kumar expressed his readiness to go to the petitioner's house, if his parents are willing to accept the

marriage and if they are prepared to accommodate himself and his wife.

3. Under the above mentioned circumstances it is evident that the allegation of illegal confinement, is absolutely incorrect. We do not find anything to indicate that Sri. Jyothish Kumar is illegally confined by respondents 5 to 7 as alleged. On the other hand, it is evident that he is living along with respondents 5 to 7, and his wife on his own wish and will. Therefore there is absolutely no materials warranting interference of this court for issuance of a writ of Habeas Corpus.

Under the above mentioned circumstances the writ petition is hereby dismissed.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge