

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 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(Crl.).No. 273 of 2015 (S)

PETITIONER(S):

SANAL KRISHNAN, AGED 24 YEARS
S/O.RADHAKRISHNAN, VELLIYOTTIL HOUSE,
PARAKLAM, KELLEPPADOM P.O., PAZHAYANNUR,
TALAPPALLY, THRISSUR - 680 587.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/RESPONDENTS::

1. THE SUB INSPECTOR OF POLICE
PAZHAYANNUR POLICE STATION,
THRISSUR - 680 587.
2. CIRCLE INSPECTOR OF POLICE
CIRCLE OFFICE, CHELAKKARA,
THRISSUR - 680 587.
3. GOPALAKRISHNAN, AGED 55 YEARS
NADUVILE VEETIL, KELLEPPADOM P.O.,
PAZHAYANNUR, TALAPPALLY,
THRISSUR - 680 587.

R1-R2 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.K.I.ABDUL RASHEED
R BY GOVERNMENT PLEADER SRI.PS.S.ABDUL KAREEM

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(Crl.).No. 273 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|--------------------|--|
| EXHIBIT P1. | TRUE COPY OF THE SECONDARY SCHOOL LEAVING
CERTIFICATE OF THE PETITIONER. |
| EXHIBIT P2. | TRUE COPY OF THE ELECTION I.D NO.ALK0412049 OF
DIVYAMOL G. ISSUED UNDER THE ELECTION COMMISSION
OF INDIA. |
| EXHIBIT P3. | TRUE COPY OF THE COMPLAINT DATED 19.06.2015
PREFERRED BEFORE THE 1ST RESPONDENT. |

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

W.P.(Crl).No.273 of 2015

Dated this the 30th day of June, 2015

JUDGMENT

K.RAMAKRISHNAN, J

This is an application filed seeking a writ of Habeas Corpus to produce the body of Ms.Divyamol.G, daughter of the third respondent, alleging that she is under the illegal custody of the third respondent, under Article 226 of the Constitution of India.

2. The allegation in the petition was that Ms.Divyamol, aged 22 years was in love with the petitioner and they have decided to conduct marriage and she has already entrusted the Original Election I.D. Card for the purpose of giving notice of intention of marriage under the provisions of the Special Marriage Act. On knowing about the relationship, the third respondent has now illegally kept her under detention. So the petitioner approached this Court under Article 226 of the Constitution of India, seeking the following reliefs:

(i) Issue a Writ of Habeas Corpus or such other writ or direction, commanding the respondents to produce the body of Miss.Divyamol.G, aged 22 years, D/o Gopalakrishnan, before this Court and set her at liberty.

(ii) Issue such other writ, order or direction which this Court may deem fit and proper in the light of the facts and circumstances of the case so as to secure the ends of justice.

3. On the basis of the allegation made on 22.06.2015, we have directed the first respondent to conduct discrete enquiry regarding the allegations of the petitioner and also depute a woman police officer, not in uniform, to record the statement of the alleged detainee and file a report along with the statement recorded of the detainee. Today, the first respondent has submitted a report along with the statement of the alleged detainee and also the present petitioner. It is seen from the statement of the detainee that though she was in love with the petitioner, now she had not intended to continue the friendship and her family members have decided to conduct her marriage and she is not under any illegal detention of anyone. None had threatened her and she

had withdrawn from the friendship with the petitioner. It is also mentioned in the statement that the I.D. Card and other documents given for the purpose of giving notice of intention of marriage under the Special Marriage Act have been returned to her by the petitioner. They also recorded the statement of the petitioner, in that, he had also reiterated the same things mentioned in the statement of the alleged detainee. The learned counsel for the petitioner also submitted that they decided to withdraw from their relationship and there is no necessity to issue any writ of Habeas Corpus as claimed. Under that circumstances we are convinced that the alleged detainee is not under the illegal detention of anyone, warranting interference of this Court issue a writ of Habeas Corpus as claimed by the petitioner.

Accordingly this writ petition is dismissed.

Sd/-

C.K.ABDUL REHIM, JUDGE

Sd/-

K.RAMAKRISHNAN, JUDGE

VS