

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(Crl.).No. 274 of 2015 (S)

PETITIONER(S) :

JUSTIN,
S/O.JOHNY, AGED 23 YEARS, KAVALAKKATTU HOUSE,
OLLUKARA VILLAGE, OLLUKARA.P.O., THRISSUR TALUK,
THRISSUR DISTRICT - 680 655.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

1. ANOOP,
FATHER'S NAME NOT KNOWN TO THE PETITIONER,
AGED ABOUT 31 YEARS, RESIDING AT PANDIYATH HOUSE,
VARADIYAM (P.O), THRISSUR.
2. SIDDHARTHAN,
AGED 55 YEARS, PULARI HOUSE, K.V. NAGAR,
KALMANDAPAM.P.O., PALAKKAD DISTRICT - 678 001.
3. THE COMMISSIONER OF POLICE,
THRISSUR, THRISSUR DISTRICT.
4. INSPECTOR OF POLICE,
OLLUR CIRCLE, THRISSUR DISTRICT.

R3 & R4 BY DIRECTOR GENERAL OF PROSECUTION
R1 & R2 BY ADV. SRI.AJITH KRISHNAN
SPECIAL GOVERNMENT PLEADER
FOR WOMEN AND CHILDREN, SMT.SREELATHA PARAMESWARAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 274 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

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P1:TRUE COPY OF THE TRADE LICENSE FOR THE FINANCIAL YEAR 2014-15
ISSUED TO THE PETITIONER BY THRISSUR COPRORATION.

P2:TRUE COPY OF THE OFFER LETTER ISSUED TO THE PETITIONER BY FORDE
PRIVATE LIMITED.

P3:TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF MISS.
GOPIKA.

P4:TRUE COPY OF THE COMPLAINT DATED 16.06.2015 SUBMITTED BY THE
FATHER OF THE PETITIONER BEFORE THE THIRD RESPONDENT.

P5:TRUE COPY OF THE RECEIPT DATED 16.06.2015 ISSUED FROM THE
OFFICE OF THE 3RD RESPONDENT REGARDING RECEIPT OF EXHIBIT P5
COMPLAINT.

P6:TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE
3RD RESPONDENT DATED 20.06.2015.

RESPONDENT(S) ' EXHIBITS

:

// True Copy//

P.A. to Judge

SS

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

W.P.(Crl.)No.274 of 2015

Dated this the 10th day of August, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of his friend and lover named, Miss.Gopika, who is the daughter of the 2nd respondent, and to set her at liberty, based on an allegation that the respondents 1 and 2 are illegally detaining her against her free will.

2. Averments in the writ petition are to the effect that, the petitioner and the alleged detainee have decided to perform their marriage under the Special Marriage Act, for which they intended to submit notice before the Marriage Officer on 15.06.2015. But respondents 1 and 2, on coming to know about the decision, had kept the alleged detainee locked in a room in the parental house. Thereafter the respondents 1 and 2 along with some others came to the house of the petitioner and manhandled the

petitioner, on 15.06.2015, at about 9.30 p.m. On 19.06.2015 the alleged detainee called the petitioner and informed that she is under illegal confinement and that respondents 1 and 2 are taking steps to marry her to some other person, without her consent. Under such circumstances this writ petition is filed alleging that Miss.Gopika is under illegal confinement of respondents 1 and 2.

3. When the case came up for admission, we directed the 4th respondent to conduct a discrete enquiry regarding the allegation of illegal detention and required to get a statement of the alleged detainee recorded independently. After perusal of the statement produced before this court, we issued notice to the respondents 1 and 2. Subsequently the 2nd respondent had filed a counter affidavit rebutting the allegations of illegal detention. However, this court felt that a direct interaction with the alleged detainee is necessary to arrive at a conclusion regarding the allegation of illegal confinement. Therefore we directed the alleged detainee to be produced before this

court.

4. On 16.07.2015 the alleged detenue was produced before this court. When we interacted with the alleged detenue she submitted that she is not under any illegal confinement. But she informed that she is intending to marry the petitioner. However, the alleged detenue expressed the view that she has not fully made her mind regarding her future life with the petitioner. On that basis, the case was adjourned to 04.08.2015. On the said day the alleged detenue expressed her apprehension that the parents of the petitioner may not accept the relationship and that they may not support the petitioner. Under such circumstances, the petitioner submitted that he will produce the parents before this court. Consequently the respondents 1 and 2, the alleged detenue, the petitioner and his parents have appeared before this court on today. After interactions between the parties and after elaborate discussions made with the alleged detenue, she submitted before this court that she wants to go along with the 2nd

respondent, her father, and to pursue her studies further. It is submitted that she will take a decision with respect to continuance of her relationship with the petitioner, only after pursuing her studies, on a later stage. The 2nd respondent had promised that he will permit the alleged detainee to continue her studies and that she will not be compelled to have any other marriage against her wish.

5. Under the above mentioned circumstances, this court is convinced that the alleged detainee is not under any illegal confinement at present, against her free will. Therefore she is set at liberty to go along with the 2nd respondent, as desired by her.

The writ petition is disposed of subject to the above observations.

Sd/-
C.K. Abdul Rehman, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge