

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 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(Crl.).No. 277 of 2015 (S)

PETITIONER:

**VISAK.N.,
AGED 27 YEARS, S/O.NARAYANA PILLAI,
MOHANAVILASOM, VYSAMBHAGAM P.O.,
ALAPPUZHA-688 005.**

**BY ADVS.SRI.C.A.ANOOP
SMT.C.K.REMANY**

RESPONDENTS:

**1. ASOKAN,
2259/A, CHERIYA KUMARAKATH HOUSE, POTTAKUZHAY ROAD,
NEAR MOUNT CARMEL CHURCH, MAMANGALAM, PIN-682 025.**

**2. STATION HOUSE OFFICER,
PALARIVATTOM POLICE STATION,
COCHIN-25.**

**R2 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
ADV.SRI. SHIBU JOSEPH, SR. GOVT. PLEADER.
R1 BY ADVS. SRI.K.G.SARATHKUMAR
SRI.CHRISTOPHER VALENTINE**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 11-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

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

W.P (Crl.) No. 277 OF 2015

DATED THIS THE 11th DAY OF AUGUST, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner had approached this court seeking a writ of Habeas Corpus for directing production of the daughter of the 1st respondent, Miss. Aswathy C.A., with whom the petitioner is allegedly in love. Allegation is that Miss. Aswathy C.A. is illegally detained under confinement by the 1st respondent against her free will. It is averred in the writ petition that, while working together in a Finance Company the petitioner and the alleged detainee got acquainted and fell into deep love, since last more than one year. They have decided to marry each other. But when the 1st respondent came to know about the relationship he had locked the alleged detainee in his house under illegal detention, without allowing her to go for the job, is the allegation. It is stated that the petitioner was denied of any opportunity to contact her. This writ petition is filed seeking to set her at liberty, based on the above mentioned allegations.

2. When the writ petition came up for admission this court directed the 2nd respondent to conduct an enquiry and to get an independent statement of the alleged detainee recorded through a woman police officer deputed. When such a statement was produced before this court, we noticed that the alleged detainee had complained about confinement in the 1st respondent's house without permitting her to attend the job. Based on notice issued from this court the 1st respondent entered appearance and produced the alleged detainee on 01-07-2015. When we interacted with the alleged detainee she expressed her determination to marry the petitioner and said that she is not willing to go back to her parental house. Since there existed no legally valid marriage between the petitioner and the alleged detainee, we directed the alleged detainee to be admitted in a hostel, until a marriage is solemnized under the Special Marriage Act. We permitted the petitioner to take steps for solemnization of the marriage.

3. Today when the case is taken up for consideration, counsel appearing for the petitioner had produced copy of Certificate of Marriage issued by the Marriage Officer, Pulincunnu. It would indicate that a marriage under the Special

Marriage Act, 1954 was solemnised between the petitioner and the alleged detainee on 07-08-2015. We take note on record that a valid marriage has been established between them.

4. Both the petitioner and the alleged detainee are personally present before this court. They expressed desire to live together as husband and wife and to continue their job.

5. Under the above mentioned circumstances this writ petition is hereby disposed of by setting the alleged detainee at liberty to live together with the petitioner as husband and wife, at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge