

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. 278 of 2015 (S)

PETITIONER:

**RANI JOSEPH,
AGED 49 YEARS, W/O.JOSEPH SHELLY,
R/A.NADUVILAPARAMBIL HOUSE
CHERANALLURE, COCHIN 682034, ERNAKULAM DISTRICT**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

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- 1. STATE OF KERALA
DEPARTMENT OF HOME AFFAIRS
GOVERNMENT SECRETARIAT ANNEXE
THIRUVANANTHAPURAMPIN 695001**
 - 2. CITY POLICE COMMISSIONER
POLICE HEADQUARTERS, REVENUE TOWER,
ERNAKULAM, COCHIN 682011**
 - 3. SUB INSPECTOR OF POLICE
PALARIVATTOM POLICE STATION,
PALARIVATTOM, ERNAKULAM, COCHIN 682025**
 - 4. SHANEY MOHANAN, AGED 32 YEARS
S/O.MOHANAN, R/A.PRATHIBA LANE, NEAR MARIAM VILLA
ALINCHODE, COCHIN 682025**
 - 5. MOHANAN, AGED 60 YEARS
PRATHIBA LANE, MARIAM VILLA,
ALUNCHODE, COCHIN 682025**
 - 6. SARALA MOHANAN
AGED 55 YEARS, W/O.MOHANAN,
R/A.PRATHIBA LANE, MARIAM VILLA
ALUNCHODE, COCHIN 682025, ERNAKULAM DISTRICT**

**R1-R3 BY GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH WITH
DIRECTOR GENERAL OF PROSECUTION SRI. T.ASAF ALI**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 30-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

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

W.P (Crl.) No. 278 OF 2015

DATED THIS THE 30th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

This writ petition is filed raising an allegation that the daughter of the petitioner, Miss.Nitin Joseph, aged 26 years is under illegal confinement of respondents 4 to 6. The petitioner's daughter was working as a Teacher in St. Joseph School, Kalamassery. She went to the school in the morning on 19-06-2015. But she has not returned to the petitioner's house on that day. The petitioner and her relatives received information that she was taken by the 4th respondent and she is along with the 4th respondent. Despite enquiries made by the petitioner the whereabouts of the alleged detainee could not be traced out. It is averred in the writ petition that, to the knowledge of the petitioner there is no legally valid marriage between the alleged detainee and the 4th respondent. Therefore it is alleged that

the petitioner's daughter is kept under illegal custody by the 4th respondent. It is also alleged that respondents 5 & 6, who are parents of 4th respondent are supporting such illegal confinement.

2. Eventhough notice was issued from this court to respondents 4 to 6, nobody entered appearance. The alleged detainee, Miss.Nitin Joseph, as well as the 4th respondent are present before this court on today. We interacted with the alleged detainee. She said that she went along with the 4th respondent on 19-06-2015 and she was staying along with him. It is also said that a marriage was conducted at a Hindu Temple. However, when she was made convinced about that fact that there is no legally valid marriage established, she expressed willingness to go along with the petitioner and her other relatives who were present before this court. According to the alleged detainee she has not fully made up her mind with respect to continue of any marital relationship with the 4th respondent.

3. Under the above mentioned circumstances we are of the considered opinion that there exists no materials or circumstances warranting interference of this court under Article 226 to issue any writ of Habeas Corpus. There is no evidence to the effect that Miss.Nitin Joseph is under illegal confinement of respondents 4 to 6, as alleged. However, on the basis of the willingness expressed by the alleged detainee, she was permitted to go along with the petitioner.

The writ petition is disposed of as above.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge