

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 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(Crl.).No. 286 of 2015 ()

PETITIONERS:

- 1. SHIHABUDHEEN,
AGED 56 YEARS, S/O. HAJI MOHAMMED, HAJI MANZIL
NEAR RAILWAY GATE MURUKKUMPUZHA, VEILOOR VILLAGE
MURUKKUMPUZHA, THIRUVANANTHAPURAM.**
- 2. NEYAS,
AGED 26, S/O. NASSAR,
NEYAS MANZIL, KALLUMALA VEEDU, CHERUKAYALKARA,
MURUKKUMPUZHA.P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENTS:

- 1. THE DIRECTOR GENERAL OF POLICE
KERALA, POLICE HEAD QUARTERS, VAZUTHACUD
THIRUVANANTHAPURAM, PIN CODE-695014.**
- 2. THE SUPERINTENDENT OF POLICE,
MALAPPURAM (RURAL), MALAPPURAM DISTRICT
PIN CODE-676505.**
- 3. THE SUB INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION
THIRUVANANTHAPURAM DISTRICT, PIN-695318.**
- 4. SREEJESH,
S/O. SREENIVASAN, PALLATTU HOUSE, VALLIKKUNNU.P.O.
MALAPPURAM DISTRICT, PIN CODE-673314.**

**R1-R3 BY ADV. SRI. K.I. ABDUL RASHEED, ADGP &
ADV. SRI.P.S.ABDUL KAREEM, GOVT. PLEADER.
R4 BY ADV. SRI.M.BALAGOVINDAN**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 28-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONERS' EXHIBITS

- EXHIBIT P1: PHOTOCOPY OF THE MARRIAGE INVITATION OF THE 2ND PETITIONER AND SHYNA.**
- EXHIBIT P2: PHOTOCOPY OF THE CERTIFICATE OF MARRIAGE DATED 27.5.2015 ISSUED BY THE LOCAL REGISTRAR OF MARIAGES (COMMON).**
- EXHIBIT P3: PHOTOCOPY OF THE FIR IN CRIME NO.605/2015 OF MANGALAPURAM POLICE STATION.**
- EXHIBIT P4: PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER DATED 22.6.2015 BEFORE THE CHIEF MINISTER OF KERALA WHICH WAS FORWARDED TO THE 2ND RESPONDENT.**
- EXHIBIT P5: PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT DATED 27.6.2015.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 286 OF 2015

DATED THIS THE 28th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioners are approaching this court seeking a writ of Habeas Corpus for directing production of the alleged detainee, Miss.Shyna. N, who is the daughter of the 1st petitioner and wife of the 2nd petitioner, and to set her at liberty. It is stated that the alleged detainee, Miss.Shyna. N was married to the 2nd petitioner on 07-05-2015 as per religious rites and ceremonies and the said marriage was registered under the Kerala Registration of Marriages (Common) Rules 2008. Exhibits P1 & P2 certificates were produced to prove the above facts. According to the petitioners the 2nd petitioner and the alleged detainee were living together after the marriage. It is stated that the alleged detainee is missing from 18-06-2015 onwards and enquiries made by them revealed that the 4th respondent had abducted her and is illegally detaining her in his

custody. It is also stated that the alleged detainee had taken away gold ornaments from the house, at the instigation of the 4th respondent. Based on a complaint submitted by the petitioners, the 3rd respondent had registered crime No.605/2015 under Section 57 of the Kerala Police Act, as evidenced from Ext.P3. But it is alleged that no effective steps for investigation of the case and to trace out the detainee is taken by the police. It is based on the specific allegation that the alleged detainee is under illegal confinement of the 4th respondent, this writ petition is filed.

2. Pursuant to the order issued by this court, the 4th respondent entered appearance and produced the alleged detainee. When we interacted with the the alleged detainee she said that she had gone along with the 4th respondent at her own will, since they were in love even prior to the marriage with the 2nd petitioner. She said that she had already converted as a Hindu and a customary marriage was solemnized in a temple. On noticing that no valid marriage is established between the alleged detainee and

the 4th respondent, we directed the alleged detenue be put in at 'Abhaya', Athani, Vanchiyoore, Thiruvananthapuram. This is especially because the alleged detenue said that she is not willing to go with either of the petitioners. We posted the case for further consideration on the basis that the 2nd petitioner had to take a decision as to whether he is intending to dissolve the marriage.

3. When the case is taken up for further consideration on 20-07-2015, counsel appearing for the petitioners submitted that the alleged detenue had expressed her willingness to go along with the 1st petitioner to her parental house. Therefore we directed the 3rd respondent to produce the alleged detenue before this court on today. Today, when we interacted with the alleged detenue, she said that she is intending to go along with the 1st petitioner to her parental house. According to her, she is need more time to take an appropriate decision with respect to her future life.

4. Under the above mentioned circumstances we dispose of this writ petition finding that the alleged detainee is not under any illegal confinement at present. She is set at liberty to go along with the 1st petitioner to her parental house, as desired by her.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge