

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(Crl.).No. 287 of 2015 (S)

PETITIONER:

**SUBRAMANYAN C.,
AGED 42 YEARS, S/O.KANNAN,
CHERAYI HOUSE, POOTHERIVALAPPIL,
VELIMUKKU P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**
- 2. DISTRICT POLICE CHIEF,
MALAPPURAM, PIN-676 505.**
- 3. INSPECTOR OF POLICE,
TIRURANGADI CIRCLE, TIRURANGADI,
MALAPPURAM DISTRICT, PIN-676 306.**
- 4. SUB INSPECTOR OF POLICE, TIRURANGADI POLICE STATION,
TIRURANGADI, MALAPPURAM DISTRICT, PIN-676 306.**
- 5. ASA, S/O.SUNDARESAN,
PERARASU THERU, KATTUMANNARKOIL,
CUDDALORE DISTRICT, TAMILNADU, PIN-603 301.**

**R1-R4 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
ADV. SRI.SHIBU JOSEPH, GOVT. PLEADER.**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 29-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

WP(Crl.).No. 287 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- TRUE COPY OF THE F.I.R IN CRIME NO.875/2015 OF TIRURANGADI
POLICE STATION**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 287 OF 2015

DATED THIS THE 29th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of the alleged detainee, Miss. Sangeetha before this court to set her at liberty. The alleged detainee is the daughter of the petitioner's sister Smt. Sathi who was married to one Sri. Vydyanathan. The petitioner's sister and brother-in-law are residing at Kattumannarkoil at Cuddalore District In Tamil Nadu. The alleged detainee who is a minor girl aged 17 years was residing along with the petitioner, since the month of April 2015 onwards, at Velimukku in Malappuram district. It is stated that she used to stay at the house of the petitioner as well as in Tharavad house which is situated nearby. Allegation is that the alleged detainee is missing from the petitioner's house since 21-06-2015 onwards. It is stated that the alleged detainee had developed some

intimacy with the 5th respondent and the petitioner has got reliable information to the effect that the 5th respondent was available in Kerala during the day on which the detainee was found missing. It is stated that on the basis of a complaint lodged before the 4th respondent, crime No.875/2015 of Thirurangadi Police Station was registered under Section 57 of the Kerala Police Act. But it is alleged that the police has not taken any effective steps to trace out the alleged detainee. On the basis of the specific allegations that the alleged detainee is being illegally detained by the 5th respondent, this writ petition is filed.

2. When the writ petition came up for consideration on previous occasions we issued specific directions to the 2nd respondent to intensify the investigation of the case registered and to take all earnest effects to trace out the alleged detainee and to produce her before this court. When the case was taken up for consideration on 22-07-2015 the police authorities have informed that the case has been converted by incorporating offence punishable under Section 366A of IPC and the investigation is being

conducted to book the 5th respondent. On that basis the case was adjourned after one week to evaluate the progress.

3. Today, the learned Government Pleader had moved this court for taking up the case for consideration, on the basis the alleged detainee is traced out and produced. Accordingly we took up the case for consideration, with notice to the counsel appearing on behalf of the petitioner. Learned Government Pleader informed that the alleged detainee was traced out and produced before the the Judicial First Class Magistrate, Parappanangadi on 25-07-2015. Before the learned Magistrate the alleged detainee expressed her willingness to go along with her grandmother and uncle. Accordingly the learned Magistrate had permitted the alleged detainee to go along with the petitioner and her grand mother, whose signatures were obtained before the Magistrate Court. Further, direction was also issued to the police authorities to produce her before this court on today.

4. We interacted with the alleged detainee who was produced before this court. She expressed her willingness to go along with her grandmother and to continue to stay at the Tharavadu house at Velimukku in Malappuram district. Learned Government Pleader also submitted that the 5th respondent was arrested in the case and he is now remanded to judicial custody.

5. Under the above mentioned circumstances we are convinced that the alleged detainee not in any illegal confinement at present. She is set at liberty to go along with the petitioner and her grandmother and to stay along with the grand mother as per her desire.

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

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge