

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 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(Crl.).No. 299 of 2015 (S)

PETITIONER(S) :

JAYESH JAYARAM.J.A., AGED 34 YEARS,
S/O JAYARAMAN NAIR, KEEZHUVILA VEEDU, MANNAM NAGAR,
THIRUVALLAM P.O., THIRUVANANTHAPURAM-695 027.

BY ADV. SRI.V.K.MOHAMMED YOUSUF

RESPONDENT(S) :

1. MADHUSOODHANAN NAIR,
MULLOOR HOUSE, THIRUVALLAM P.O.,
THIRUVANANTHAPURAM-695 027.
2. ANJANA T.
D/O MADHUSOODHANAN NAIR, MULLOOR HOUSE,
THIRUVALLAM P.O., THIRUVANANTHAPURAM-695 027.
3. STATE OF KERALA
REPRESENTED BY THE CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM, THYCAUD P.O.,
THIRUVANANTHAPURAM-695 014.
4. SUB INSPECTOR OF POLICE,
THIRUVALLAM, THIRUVALLAM P.O.,
THIRUVANANTHAPURAM-695 027.

R3 & R4 BY SRI.TOM JOSE PADINJAREKKARA,
ADDL.DIRECTOR GENERAL OF PROSECUTION
R1 & R2 BY ADVS. SRI.C.P.UDAYABHANU
SMT.P.A.MENISHA
GOVERNMENT PLEADER SRI.SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP(Crl.).No. 299 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: PHOTO COPY OF HTE MARRIAGE CERTIFICATE
NO.4128/15 DATED 3.6.2015.

EXHIBIT P2: PHOTO COPY OF THE PETITION SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS

----- : NIL

// True Copy//

P.A. to Judge

SS

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

W.P.(Crl.) No.299 of 2015

Dated this the 14th day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is seeking a writ of Habeas Corpus for directing production of the 2nd respondent before this court and to set her at liberty, based on the allegation that she is under illegal confinement of the 1st respondent who is her father.

2. Averments in the writ petition are to the effect that, the petitioner married the 2nd respondent on 20.05.2015 at J.M. Hall, Vellarada in Thiruvananthapuram District and the marriage was registered under the Kerala Registration of Marriages (Common) Rules, 2008 before the Local Registrar of Marriages (Common), Vellarada (Secretary, Vellarada Grama Pnachayath) on 29.05.2015. Ext.P1 is the Certificate of Marriage issued on the basis of the above said registration. Averments are to the effect that

the marriage was conducted without the consent of the 1st respondent and therefore after the marriage, 1st respondent is not permitting the petitioner to contact the 2nd respondent and that she is wrongfully restrained and confined at the house of the 1st respondent. Based on such allegations this writ petition is filed seeking for production of the 2nd respondent and to set her at liberty.

3. Pursuant to order issued by this court on 09.07.2015, 1st respondent appeared through counsel. The respondents 1 and 2 are personally present before this court. We interacted with the 2nd respondent. She denied the allegation that a marriage with the petitioner was solemnized on 20.05.2015 at J.M. Hall, Vellarada as alleged in the writ petition. According to her, the petitioner was conducting a Driving School, where she had joined for training in driving. It is said that, on the date of the registration of the marriage she was taken to the office of Vellarada Grama Panchayath by the petitioner along with two others. She was forced to sign the requisite registers

based on mental pressure exerted by the petitioner, is the statement. However, the 2nd respondent said that she is now staying in her parental house on her own wish and will and that she does not want to have any relationship with the petitioner.

4. Under the above mentioned circumstances, we are convinced that there exists no materials or circumstances for this court to arrive at any conclusion that the 2nd respondent is under illegal confinement of the 1st respondent. Hence there exists no circumstances warranting for issuance of any writ of Habeas Corpus, in exercise of jurisdiction vested under article 226.

Therefore, the above writ petition is hereby dismissed. The 2nd respondent is permitted to go along with the 1st respondent.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

W.P.(Crl.) No.299 of 2015

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Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge