

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. 300 of 2015 (S)

PETITIONER(S) :

MOHANAN PILLAI, AGED 43 YEARS,
S/O GOPINATHAN PILLAI, VATTAVILA PUTHEN VEEDU,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE, KOTTARAKKARA,
KOLLAM.

BY ADVS.SRI.B.MOHAN LAL
SRI.A.SANIL KUMAR

RESPONDENT(S) :

1. STATE POLICE CHIEF,
POLICE HEADQUARTERS, VAZHUTHACAUD P.O.,
THIRUVANANTHAPURAM 695 014.
2. THE DISTRICT POLICE CHIEF,
KOLLAM RURAL, DISTRICT POLICE HEAD QUARTERS,
KOTTARAKKARA P.O., KOLLAM-691 506.
3. THE CIRCLE INSPECTOR OF POLICE,
KOTTARAKKARA, KOTTARAKKARA P.O., KOLLAM -691 506.
4. THE STATION HOUSE OFFICER,
KOTTARAKKARA POLICE STATION, KOTTARAKKARA P.O.,
KOLLAM-691 506.
5. SRI.SUNEESH,
S/O SISUPALAN, SUNEESH BHAVANAM, CHALOORKONAM,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 506.
6. SRI.ANNEESH KUMAR,
S/O VIJAYAN PILLAI, ANEESH BHAVANAM, CHALOORKONAM,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 506.
7. SRI.ARUNDAS,
S/O .MATHIYAS, KALABHAVAN, CHALOORKONAM,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 506.

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8. SMT.KOMALAYAMMA,
W/O. VIJAYAN PILLAI, ANEESH BHAVANAM, CHALOORKONAM,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 506.
 9. SRI.SISUPALAN,
S/O. NANU, SUNEESH BHAVAN, CHALOORKONAM,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 506.
 10. SMT.SHEELA,
W/O SISUPALAN, SUNEESH BHAVAN, CHALOORKONAM,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 506.
 11. SMT.KASTHURI,
D/O.SHEELA, SUNEESH BHAVAN, CHALOORKONAM,
NEELESWARAM P.O., NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 506.

R1-R4 BY SRI.T.ASAF ALI, DIRECTOR GENERAL OF PROSECUTION
R5,R6,R7,R9 & 11 BY ADV.SRI.K.V.ANIL KUMAR
GOVERNMENT PLEADER SMT.KOCHUMOL KODUVATH

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

:3:

WP (Cr1.) .No. 300 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

:

EXT.P1: THE TRUE COPY OF THE SECONDARY SCHOOL LEAVING
CERTIFICATE OF THE PETITIONER'S DAUGHTER MS. REVATHY.

EXT.P2: THE TRUE COPY OF THE COMPLAINT DATED 2/7/15 FILED BY
THE PETITIOER BEFOER THE 4TH RESPONDENT AND ITS
POSTAL RECEIPT.

RESPONDENT(S) ' EXHIBITS

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// True Copy//

P.A. to Judge

SS

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

W.P.(Crl.) No.300 of 2015

Dated this the 14th day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

Petitioner is the father of the alleged detainee Miss.Revathy, who is a 2nd Year B.Com student of Baby John Memorial Government College, Chavara, Kollam. This writ petition is filed raising allegation that she was kidnapped by respondents 5 to 11 on 29.06.2015. It is also alleged that there occurred an incident of assault by respondents 5 to 7 on 17.02.2015, when they trespassed into the house of the petitioner. According to the petitioner, on the missing of his daughter Miss.Revathy, Ext.P2 criminal case was registered based on his complaint, by the 4th respondent, under Section 57 of the Kerala Police Act. This writ petition filed based on an allegation that the petitioner's daughter Miss.Revathy is being illegally detained by respondents 5 to 11 against her will. Therefore the petitioner is seeking a

writ of Habeas Corpus for directing production of the alleged detenue and to set her at liberty.

2. Based on notice issued from this court, respondents 5 to 11 entered appearance through counsel. It is submitted that, the 5th respondent as well as the alleged detenue are personally present before this court. We interacted with both of them, as well as with the petitioner. It is revealed by the 5th respondent and the alleged detenue that, both of them were in love for the last so many years and they have decided to marry each other. It is stated that, after the alleged detenue had left her house, they went to Udumbanchola in Idukki District and solemnized a marriage at Sree Mahadevar Temple, Thirdcamp, Karunapuram Village in Udumbanchola Taluk. The 5th respondent had produced a Certificate of Marriage evidencing that the marriage solemnized between the 5th respondent and the alleged detenue was already registered under the Kerala Registration of Marriages (Common)

Rules, 2008, before the Local Registrar of Marriages (Common) Pampadumpara Grama Pachayath, on 02.07.2015. It is stated that the 5th respondent and the alleged detainee are living together in the house of the 5th respondent as husband and wife, since the date of marriage onwards. The alleged detainee expressed her determination to continue her life with the 5th respondent under marital relationship established.

3. Learned Government Pleader submitted that a crime was registered at the Kottarakkara police station with respect to missing of the alleged detainee, as Crime No.1544/2015, under Section 57 of the Kerala Police Act, on 30.06.2015. It is further stated that the alleged detainee was produced before the Judicial First Class Magistrate Court, Kottarakkara on 09.07.2015. The learned Magistrate, after recording statement of the alleged detainee, had set her at liberty, being convinced that there is no illegal confinement.

4. Under the above mentioned circumstances,

we are convinced that a valid marriage between the petitioner and the alleged detainee was established. It is also evident that the alleged detainee is now living along with the 5th respondent as husband and wife.

Under the above mentioned circumstances, there is nothing to indicate that the alleged detainee is under illegal confinement of respondents 5 to 11, as alleged. Hence there is no circumstances warranting issuance of a writ of habeas corpus.

The writ petition is accordingly dismissed. The alleged detainee is permitted to go along with the 5th respondent in accordance with her desire to live together as husband and wife.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge