

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 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(Crl.).No. 302 of 2015 (S)

PETITIONER:

**BINOY,
S/O.MICHAEL,
MUTHANATHU HOUSE, PALAKKAYAM (P.O)
MANNARKKAD (VIA), PALAKKAD DISTRICT.**

**BY ADVS.SMT.K.V.BHADRA KUMARI
SMT.ANILA GEORGE
SMT.T.C.MARYKUTTY**

RESPONDENTS:

- 1. SUB INSPECTOR OF POLICE
WADAKKANCHERY POLICE STATION,
PALAKKAD DISTRICT.**
- 2. JOHN
POOVATHUNGAL HOUSE, KANAKKANTHURUTHU (P.O)
WADAKKANCHERY, PALAKKAD DISTRICT.**
- 3. GRACY
W/O.JOHN, POOVATHUNGAL HOUSE,
KANAKKANTHURUTHU (P.O)
WADAKKANCHERY, PALAKKAD DISTRICT.**
- 4. JOSE
MANKUTHEL HOUSE, KANAKKANTHURUTHU (P.O),
WADAKKANCHERY, PALAKKAD DISTRICT.**

R1 BY ADV. SMT. KOCHUMOL KODUVATH, SR.GOV'T. PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

WP(Crl.).No. 302 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT DATED 30.6.2015.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 302 OF 2015

DATED THIS THE 15th 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 his wife Smt. Johnsy, daughter of respondents 2 & 3, based on an allegation that she is now under illegal confinement of respondents 2 to 4. It is averred that the petitioner and the alleged detainee, Smt. Johnsy, got married as per the religious rites prevailing in the community, on 17-11-2014. Thereafter both of them were living together in the house of the petitioner. Allegation is that on 05-01-2015 the respondents 2 to 4 came to the house of the petitioner and took his wife along with them. Thereafter the petitioner was not allowed to contact his wife and to see her. It is also alleged that the alleged detainee, Smt. Johnsy was calling the petitioner and was sending messages requesting him

not to desert her, informing that she wanted to live with him. But it is alleged that respondents 2 to 4 are not permitting the petitioner's wife to resume cohabitation. Under the above mentioned circumstances this writ petition is filed on the premise that the alleged detainee is being kept under illegal confinement of respondents 2 to 4 against her free wish and will.

2. Based on notice issued from this court, the respondents 2 to 4 have entered appearance through counsel. They have produced the alleged detainee, Smt. Johnsy before this court on today. When we interacted with the alleged detainee, she said in categorical terms that she is not under any illegal confinement, as alleged. According to her she was tortured at the matrimonial house by the petitioner and his family members. It was on her own will she had left the matrimonial house when such torture has become intolerable. She expressed her clear desire to go along with respondents 2 to 4 and to stay at the parental house.

3. Under the above mentioned circumstances we do not find any materials to arrive at a conclusion that the alleged detainee is confined by respondents 2 to 4 against her free wish and will. However, the parties to the marriage will be at liberty to seek appropriate remedies under the relevant statutes with respect to the matrimonial disputes.

4. Reserving liberty as mentioned above, this writ petition is dismissed, since there exists no circumstances warranting interference of this court for issuing any writ of Habeas Corpus.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge