

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(Crl.).No. 306 of 2015 (S)

PETITIONER(S) :

RENJUKUMAR R., AGED 23 YEARS,
S/O.RAVIKUMAR, PATTAZHISERIL HOUSE, PATHIYOOR P.O.,
ALAPPUZHA DISTRICT.

BY ADV. SMT.S.L.SYLAJA

RESPONDENT(S) /RESPONDENTS:-

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM
PIN - 695 001.
2. THE DIRECTOR GENERAL OF POLICE,
HEAD QUARTERS, THIRUVANANTHAPURAM, PIN - 695 001.
3. THE SUPERINTENDENT OF POLICE,
ALAPPUZHA, ALAPPUZHA DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
KAREELAKKULANGARA POLICE STATION, ALAPPUZHA DISTRICT.
5. SUNNY T., AGED 48 YEARS,
S/O.THANKACHAN, VATTAKUNNIL HOUSE, CHELIKUZHY P.O.,
KOLLAM DISTRICT, PIN - 691 556.
6. JESSY SUNNY, AGED 46 YEARS,
W/O.SUNNY, VATTAKUNNIL HOUSE, CHELIKUZHY P.O.,
KOLLAM DISTRICT, PIN - 691 556.

R1-R4 BY SRI.TOM JOSE PADINJAREKKARA,
ADDL.DIRECTOR GENERAL OF PROSECUTION
GOVERNMENT PLEADER SRI.SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 306 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

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EXHIBIT P1. ORIGINAL MARRIAGE PHOTOGRAPH OF PETITIONER AND DETENUE
DATED 06.07.2015.

EXHIBIT P2. TRUE COPY OF MARRIAGE CERTIFICATE ISSUED BY THE
SECRETARY, CHERIYAPATHIYOOR DEVASWOM.

EXHIBIT P3. TRUE COPY OF SECONDARY SCHOOL LEAVING CERTIFICATE OF
PETITIONER.

EXHIBIT P4. TRUE COPY OF S.S.L.C OF THE DETENUE.

EXHIBIT P5. TRUE COPY OF COMPLAINT DATED 07.07.2015 FILED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS

:

NIL

//True Copy//

P.A. to Judge

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.306 of 2015

Dated this the 17th day of July, 2015

JUDGMENT

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.Jincy S.Sunny, aged 18 years, daughter of the respondents 5 and 6, and to set her at liberty.

2. Allegation is that, the alleged detainee is being illegally confined by her parents. Statement in the writ petition is to the effect that the petitioner and the alleged detainee were in love for the last two years and a marriage was solemnized on 06.07.2015 at Cheriyaopathiyoor Devi Temple in Alappuzha District. It is stated that the petitioner belongs to Hindu Ezhava community and the alleged detainee belongs to Christian-Marthoma community. Ext.P1 photographs and Ext.P2

certificate issued by the Devaswom, Cheriya pathiyoor, are produced in support of the above statement. Allegation is that on the next day, on 07.07.2015 at 1.30 a.m, the 5th respondent and his henchmen trespassed into the house of the petitioner with the assistance of the 4th respondent and manhandled the petitioner and took away the alleged detainee. Thereafter it is alleged that the petitioner was not permitted to contact with the alleged detainee and that the alleged detainee is being kept under illegal custody by respondents 5 and 6.

3. When the writ petition came up for consideration on 13.07.2015, we suo moto impleaded the District Police Chief, Kollam and directed him to submit a report from the police station, having jurisdiction in the area where respondents 5 and 6 are residing, with respect to availability of the alleged detainee at the house of respondents 5 and 6. It was further ordered that, the Station House Officer shall be given direction to depute a Woman Police Officer, not in uniform, to record an

independent statement from the alleged detainee, not in the presence of any of the family members or others, and to produce such statement if any recorded before this court.

4. Today when the case is called up, learned Government Pleader submitted a report from the 4th respondent, enclosing the statement recorded from the alleged detainee by a woman police officer deputed for the said purpose. In the statement, the alleged detainee had mentioned that, she got acquaintance with the petitioner over telephone through one of her friends named Raji, about one month back. Telephone number of the alleged detainee was given to the petitioner by the lover of Raji. According to the alleged detainee, house of the petitioner is somewhere in Kayamkulam. It is stated that the petitioner used to call the alleged detainee over telephone and in such manner they developed intimacy. It is stated that the friend of the petitioner, Raji, had committed suicide on 03.07.2015. The incident had caused severe impact on the mental status of the alleged detainee, is the statement. On

05.07.2015, the petitioner informed over telephone that he wanted to see the alleged detainee. Accordingly, the alleged detainee went to Kayamkulam Bus Stand. The alleged detainee is meeting the petitioner for the first time on that day. The petitioner took her in a motor bike to the house of his friend. The alleged detainee telephoned to her mother from the house of the friend of the petitioner and informed that she is along with the petitioner. Knowing about this, the parents of the alleged detainee made a complaint to the 4th respondent and they came to the house along with police authorities. It is stated that the alleged detainee went back to her parental house along with respondents 5 and 6 on the said date. According to the alleged detainee, she went along with the petitioner only under his compulsion. She further stated that, she is living happily along with her parents and it is only due to her immaturity that incidents as mentioned above had occurred. It is categorically mentioned that, she does not want to go along with the petitioner and that she is living along with her parents under full freedom.

5. This court is of the considered opinion that the alleged detenue had not conceded any of the averments contained in the writ petition. However, she had categorically mentioned that she is not under any illegal confinement of respondents 5 and 6, as alleged. This court is not proposing to venture upon any adjudication with respect to genuineness of the alleged marriage, which is disputed by the parties. For the purpose of deciding this writ petition, we are convinced that there is no illegal detention of the alleged detenue against her free will. Hence the writ petition is hereby dismissed. The alleged detenue is permitted to return along with her parents.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge