

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

WP(Crl.).No. 310 of 2015 (S)

PETITIONER:

**MURALEEDHARAN,
AGED 56 YEARS, S/O.APPUNNI, MELEVEETIL,
THEKKUMMURI P O, PIN- 676105, TIRUR,
MALAPPURAM DISTRICT**

**BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SMT.N.DEEPA**

RESPONDENTS:

- 1. THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUR, MALAPPURAM DISTRICT 676105**
- 2. THE SUB INSPECTOR OF POLICE
TIRUR, MALAPPURAM DISTRICT 676105**
- 3. ASHIQ
S/O.MOHAMMEDKUTTY, VATTAPPARAMBIL HOUSE
THEYYALA MADATHILPADY ROAD, TANUR P O
MALAPPURAM DISTRICT 676302**
- 4. MOHAMMEDKUTTY
VATTAPPARAMBIL HOUSE, THEYYALA MADATHILPADY ROAD
THANOOR P O, MALAPPURAM DISTRICT 676302**
- 5. ABDUL NAZAR
PRINCIPAL, SEETHI SAHIB MEMORIAL POLYTECHNIC
THEKKUMMURI P O, TIRUR, MALAPPURAM DISTRICT
PIN 676105**

**R1 & R2 BY ADV. SMT. SREELATHA PARAMESWARAN, (SPL. G.P. FOR
WOMEN AND CHILDREN)**

R3 BY ADV. SRI.SUNNY MATHEW

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 31-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

W.P (CR) No.310/2015.

APPENDIX

PETITIONER'S EXHIBITS

EXT- P1- TRUE COPY OF THE F.I.R. No.1012/2015.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

W.P (Crl.) No. 310 OF 2015

DATED THIS THE 31st DAY OF AUGUST, 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 corpus of his daughter Miss.Simi and to set her at liberty, based on an allegation that she is under illegal confinement of respondents 3 to 5.

2. Averments in the writ petition is to the effect that, the petitioner's daughter had completed B.Tech Degree course and was working as a Guest Lecturer in a Polytechnic at Tirur during the year 2012-2014. The 5th respondent is the Principal of the said Polytechnic. It is alleged that the 3rd respondent is close relative of the 5th respondent. Statement in the writ petition is to the effect that on 25-06-2015 the 5th respondent had contacted the petitioner and wanted the petitioner's daughter to come to the Polytechnic on the next day. Accordingly on 26-06-2015

the petitioner's daughter went to the Polytechnic. But thereafter she did not returned. After the incident whereabouts of the petitioner's daughter was not known and she was missing. Enquiries revealed that the petitioner's daughter went along with the 3rd respondent, who was a student of the same Polytechnic. With respect to missing of the petitioner's daughter the 2nd respondent had registered Ext.P1 case, on the basis of a complaint lodged by the petitioner. It is alleged that no effective investigation is conducted to trace out the missing girl. It is based on the specific allegation that the petitioner's daughter is under illegal confinement of the 3rd respondent, with active connivance of the respondents 4 & 5, this writ petition is filed.

3. Pursuant to notice issued from this court the 3rd respondent and the alleged detainee appeared before this court on 21-07-2015. When interacted, the alleged detainee expressed her strong desire to marry the 3rd respondent and to live with him. It is stated that they are proposing to

solemnize a marriage under the Special Marriage Act, for which steps are being taken. Since the alleged detainee was not willing to go along with the petitioner to her parental house she was directed to be admitted in a Hostel at Ernakulam. The 3rd respondent was permitted to take steps for solemnization of marriage under the Special Marriage Act. Thereafter, based on evidence produced regarding 'notice of intention of marriage' given to the Marriage Officer, this court passed orders on 28-07-2015 permitting the alleged detainee to appear before the Marriage Officer (Sub Registrar), Thanur for solemnization of the marriage. The 3rd respondent was directed to produce the Marriage Certificate on completion of the formalities regarding solemnization of the marriage.

4. Today, when the case is taken up for consideration, counsel appearing for the 3rd respondent had produced a Certificate of Marriage issued by the Marriage Officer (Sub Registrar), Tanur, dated 24-08-2015. It would indicate that a valid marriage between 3rd respondent and

the alleged detainee was solemnized on 24-08-2015. This court takes note on record a valid marriage established between the alleged detainee and the 3rd respondent.

5. Under the above mentioned circumstances this writ petition is disposed of by recording that the alleged detainee is not under any illegal confinement at present. She is set at liberty to live along with the 3rd respondent as husband and wife, at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge