

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 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(CrI.).No. 312 of 2015 (S)

PETITIONER:

**A. MUNEERUNNISSA,
AGED 44 YEARS, W/O.SAYED KAMAL ASHRAF,
INAYATH, MUNDOTH, MAHI.**

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:

- 1. K.BYJU
S/O.VALSAN, AGED 28 YEARS, KUNIYIL HOUSE, CHAMPAD PO
KANNUR DISTRICT (PANOOR POLICE STATION) 670694**
- 2. K.VALSAN
KUNIYIL HOUSE, CHAMPAD PO,
KANNUR DISTRICT 670694**
- 3. SUB INSPECTOR OF POLICE
PANOOR POLICE STATION, 670692**
- 4. THE DISTRICT POLICE CHIEF
KANNUR 670001**
- 5. STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
SECRETARIAT, THIRUVNANTHAPURAM-695001.**

**R3-R5 BY ADV. SMT. SREELATHA PARAMESWARAN, (SPL. G.P. FOR WOMEN
AND CHILDREN)**

**R1 & 2 BY ADVS. SRI.C.K.SREEJITH
SRI.T.REMESH BABU**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 12-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

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

W.P (CrI.) No. 312 OF 2015

DATED THIS THE 12th DAY OF AUGUST, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is the mother of a girl aged 19 years, named Miss.Khadeejath Sadaf. This writ petition is filed based on an allegation that the daughter of the petitioner is missing since 22-06-2015 onwards. It is stated that, during enquiry it was revealed that she is in the custody of respondents 1 & 2 and that she is being illegally detained. Under such circumstances this petition filed seeking a writ of Habeas Corpus for directing production of the petitioner's daughter, Miss.Khadeejath Sadaf and to set her at liberty.

2. Pursuant to notice issued from this court, the alleged detainee was produced on 22-07-2015. When this court interacted with the alleged detainee she said that she is intending to marry the 1st respondent, for which a 'notice

of intention of marriage' has already been submitted to the Marriage Officer, Panoor, under the Special Marriage Act. On that basis the alleged detainee requested for permission to go along with the 1st respondent. However, the petitioner made a request to sent the alleged detainee along with her. The alleged detainee expressed her willingness to stay in the house of Sri. Iqbal, her father's brother. Accordingly this court permitted the alleged detainee to stay along with her mother in the house of her father's brother. The 4th respondent was directed to have frequent surveillance at the above said place. Subsequently when the matter was taken up for further consideration on 07-08-2015, the alleged detainee reiterated her stand to marry the 1st respondent and to have a life with him. On that basis we permitted for solemnization of the marriage, for which notice has already been given. The alleged detainee was permitted to be taken to the office of the Marriage Officer. The 1st respondent was directed to produce the Marriage Certificate before this court.

3. Today when the case is taken up for consideration, learned counsel appearing for the 1st respondent had produced the Certificate of Marriage issued by the Marriage Officer, Panoor, dated 10-08-2015. It would indicate that a marriage under the Special Marriage Act was solemnized between the alleged detainee and the 1st respondent on 10-08-2015. This court takes note on record the valid marriage established between the alleged detainee and the 1st respondent.

4. Under the above mentioned circumstances this writ petition is hereby disposed of by setting the alleged detainee at liberty to live together with the 1st respondent as husband and wife, at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge