

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(Crl.).No. 314 of 2015 (S)

PETITIONER(S)/PETITIONER:

FASIL HANEEFA, AGED 25 YEARS,
S/O. HANEEFA, RAMANATH VEETIL, ELAVALLY DESOM,
ELAVALLY VILLAGE, CHAVAKKAD TALUK, THRISSUR-680 511.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER

RESPONDENT(S)/RESPONDENTS:

1. THE DISTRICT POLICE CHIEF,
THRISSUR - 680001.
2. THE SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION, THRISSUR-680503.
3. SHAMSUDHEEN,
MULLATHVALAPPIL HOUSE, KANJIRATHINGAL DESOM,
KATTAKAMBAL VILLAGE, THALAPPILLY TALUK,
KATTAKAMBAL P.O., THRISSUR 680544.
4. JISHA K.A.
W/O.SHAMSUDHEEN, MULLATHVALAPPIL HOUSE,
KANJIRATHINGAL DESOM, KATTAKAMBAL VILLAGE,
THALAPPILLY TALUK, KATTAKAMBAL P.O., THRISSUR 680544.

R1&2 BY DIRECTOR GENERAL OF PROSECUTION
R3-R4 BY ADV. SRI.P.VIJAYA BHANU (SR.)
SMT.M.M.DEEPA
SRI.VIPIN NARAYAN
SPECIAL GOVERNMENT PLEADER SMT.SREELATHA PARAMESWARAN.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 314 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

:

EXHIBIT P1- PHOTOGRAPHS OF PETITIONER'S MARRIAGE CEREMONY.

EXHIBIT P2- TRUE COPY OF MARRIAGE CERTIFICATE DATED 28-5-15 ISSUED
BY LOCAL REGISTRAR OF MARRIAGE, KATTAKAMBAL GRAMA
PANCHAYAT.

EXHIBIT P3- TRUE COPY OF THE REPRESENTATION DATED 13/7/2015 MADE
BEFORE THE 1ST RESPONDENT ALONG WITH ITS RECEIPT
ISSUED FROM THE OFFICE OF 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS

: NIL

// True Copy//

P.A. to Judge

ss

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

W.P.(Crl.)No.314 of 2015

Dated this the 3rd day of August, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of his wife Miss.Shabna M.S., based on an allegation that she is being illegally detained by respondents 3 and 4 who are her parents.

2. Averments in the writ petition are to the effect that, the petitioner had married the alleged detainee as per religious rites on 18.05.2015 at Juma Masjid, Kanjirathinkal. The marriage solemnized was registered with the Marriage Registering Authority at Kattakambal Grama Panchayat, on 28.05.2015, as evidenced from Ext.P2 certificate. It is stated that subsequently the petitioner went abroad in connection with his employment, on 26.06.2015. He was constantly interacting with the alleged detainee thereafter. But subsequently the alleged detainee informed the petitioner that, the respondents 3 and 4 are compelling her for another marriage and that they are not permitting the alleged detainee to have any contact with the petitioner. Under such circumstances the petitioner came back to his native place. But all his attempts to see the alleged detainee was

restrained by respondents 3 and 4. Under such circumstances, based on a specific allegation that the alleged detainee is under illegal confinement of respondents 3 and 4, this writ petition is filed.

3. Based on notice issued by this court the respondents 3 and 4 entered appearance through counsel and produced the alleged detainee before this court on 20.07.2015. When we interacted with the alleged detainee it is revealed that, even though ceremonies of the marriage was solemnized as per religious rites, there occurred no co-habitation. According to her, the relationship became strained due to some dispute arose during the interactions over telephone. However, she said that she is not willing to go with the petitioner or to lead a marital life with him.

4. On 20.07.2015, the case was adjourned on the basis of an appeal made by counsel appearing for the petitioner that the difference of opinion between the parties to the marriage and their families can be sorted out through mediation, on the intervention of responsible relatives of both the families. But when the case is taken up on today, both sides submitted that no settlement could be arrived. We interacted with the alleged detainee, again on today. There is no change in her attitude, and she is sticking on to what was submitted on 20.07.2015 before this court. She categorically said that she is not

under any illegal confinement of respondents 3 and 4 and she desires to go along with them to the parental house.

5. Under the above mentioned circumstances we are convinced that there is no illegal confinement of the alleged detainee as alleged in the writ petition. She is living with her parents on her own will. Hence there exists no circumstances warranting interference of this court to issue any writ of Habeas Corpus.

However, we make it clear that the parties are at liberty to pursue their remedies with respect to dispute if any arising out of the marriage solemnised, in appropriate proceedings before the appropriate forum.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge