

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(Crl.).No. 316 of 2015 (S)

PETITIONER:

**SALIM,
AGED 45 YEARS
VILAYIL VEEDU, MARUTHUMOODU,
CHETTACHAL, TRIVANDRUM.**

**BY ADVS.SRI.G.RANJU MOHAN
SMT.M.SANTHI (K/868/2011)**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY, HOME AFFAIRS
SECRETARIAT, THIRUVANANTHAPURAM.**
 - 2. THE SUPERINTENDENT OF POLICE,
THIRUVANANTHAPURAM DISTRICT.**
 - 3. THE SUB INSPECTOR OF POLICE
VATTAPPARA POLICE STATION, THIRUVANANTHAPURAM-695001.**
 - 4. SAJEER, S/O.LAILA
SAJEER MANZIL, NEAR THYCAVU,
ERUTHALA MOOLA, THOLICODE VILLAGE.**
 - 5. LAILA
SAJEER MANZIL, NEAR THYCAVU,
ERUTHALA MOOLA
THOLICODE VILLAGE.**
 - *6. THE SUB INSPECTOR OF POLICE
VITHURA POLICE STATION, TRIVANDRUM.**
- R1 TO R3& R6 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
R BY GOVERNMENT PLEADER**
- *[ADDL. R6 IMPEADED SUO MOTO AS PER ORDER DATED 15-07-2015
IN WPCR 316/2015]**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 21-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER IN VITHURA
POLICE STATION.**

P2 - TRUE COPY OF THE BIRTH CERTIFICATE OF THE DETENUE.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 316 OF 2015

DATED THIS THE 21st DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Father of a minor girl aged 17 years, is the petitioner. He is seeking a writ of Habeas Corpus for directing production of his daughter and to set her at liberty, based on allegation that she is being illegally detained by respondents 4 & 5. The 5th respondent is the mother of the 4th respondent. Averments in the writ petition are to the extent that the alleged detainee is missing from 11-07-2015 onwards and it is understood that she is in the custody of the 4th respondent. Despite submission of a complaint the 3rd respondent had not registered a case and has not taken any steps to find out the missing girl, is the allegation. Raising an allegation that the alleged detainee is being illegally detained by respondents 4 & 5, this writ petition is filed.

2. Despite service of notice on the 5th respondent and despite the 5th respondent accepting notice on behalf of 4th respondent, none appears before this court. Learned Government Pleader appearing on behalf of respondents 1 to 3 submitted that, on the basis of complaint received from the petitioner a case was registered as Crime No.579/2015 of Vithura Police Station under Section 57 of the Kerala Police Act and investigation was conducted. While so the alleged detainee had appeared at Vithura Police Station on 15-07-2015. She was produced before the Judicial First Class Magistrate, Nedumangad on the said date. The learned Magistrate had recorded her statement. Since she had refused to go along with parents it was directed to admit her at 'Mahila Mandiram'. It is submitted that today the alleged is produced from the said 'Mahila Mandiram'.

3. On appearance of the alleged detainee, we interacted with her. She expressed her willingness to go along with the petitioner to her parental house. It is noticed that the alleged detainee is not under any illegal

confinement at present and that she is willing to go along with her parents.

4. Therefore this writ petition is hereby disposed of by setting her at liberty to go along with her parents to the house of the petitioner.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge