

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. 318 of 2015 (S)

PETITIONER(S):

**SALEENA K, AGED 32 YEARS
D/O.LATE MAMMAD KOYA, KAPPAN HOUSE,
CHERUR P.O., VENGARA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.K.MOHAMED JAMEEL
SRI.ABDUL SHUKOOR MUNDAMBRA**

RESPONDENT(S):

- 1. THE SUPERINTENDANT OF POLICE
MALAPPURAM DISTRICT. 676 001**
- 2. SUB INSPECTOR OF POLICE
KOTTAKKAL POLICE STATION, KOTTAKKAL
MALAPPURAM DISTRICT-676503.**
- 3. KUTTAN
MALIYAKKAL HOUSE, INDIANOR POST, KOTTAKKAL
KOORIYAD ROAD, MALAPPURAM DISTRICT-676503.**
- 4. BABU M.
S/O.KUTTAN, MALIYAKKAL HOUSE, INDIANOR POST
KOTTAKKAL, KOORIYAD ROAD, MALAPPURAM DISTRICT-676503.**
- 5. RAJU M.
S/O.KUTTAN, MALIYAKKAL HOUSE, INDIANOR POST
KOTTAKKAL, KOORIYAD ROAD, MALAPPURAM DISTRICT-676503.**
- 6. SUMESH M.
S/O.KUTTAN, MALIYAKKAL HOUSE, INDIANOR POST
KOTTAKKAL, KOORIYAD ROAD, MALAPPURAM DISTRICT-676503.**

**R1&2 BY ADV. DIRECTOR GENERAL OF PROSECUTION SRI.ASAF ALI.
R3-R6 BY ADV. SRI.C.K.MOHANAN
R BY GOVERNMENT PLEADER SMT KOCHMOL KODUVATH.**

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

VS

WP(Crl.).No. 318 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1 : THE TRUE COPY OF THE NOTICE OF INTENDED MARRIAGE
DATED 27.5.2015 ISSUED BY SUB-REGISTRAR, THIRURANGADI.**

RESPONDENTS EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

W.P.(Crl).No.318 of 2015

Dated this the 21st day of July, 2015

JUDGMENT

C.K.Abdul Rehim, J.

The petitioner is seeking a writ of Habeas Corpus for directing production of the alleged detainee Muhammed Shafeeque.M @ Jinesh.M and to set him at liberty.

2. Allegation is that the said person is illegally confined by his father and brothers, who are cited as respondents 3 to 6 in this writ petition. According to the petitioner, herself and the alleged detainee were in love and they have decided to get married. They got acquainted when they studied together for the Engineering diploma course. It is also mentioned that the alleged detainee was attracted to Islam and he had undergone a course from an institution at Kozhikode, and that he had already embraced Islam religion, and also got his name changed as Muhammed Shafeeque.M. It is also

pointed out that a notice of intention of the marriage to be solemnized under the Special Marriage Act, 1954 was submitted to the Marriage Officer, Tirurangadi, as evidenced from Ext.P1, on 27.05.2015. But it is alleged that, when the detinue went to his house, the respondents 3 to 6 had illegally detained him against his free will. It is alleging that the respondents 3 to 6 are illegally detaining the alleged detinue, this writ petition is filed.

3. Counsel entered appearance on behalf of the respondents 3 to 6. The alleged detinue is produced before this Court. When we interacted with the alleged detinue, he admitted about the affair with the petitioner. It is also admitted that he had undergone a religious course for the purpose of embracing the religion of Islam, as alleged in the writ petition. It is also conceded that Ext.P1 notice regarding intimation of the marriage was given before the Marriage Officer, Thirurangadi. But according to the alleged detinue, it was only at the inducion of the petitioner that he had conceded for such

steps. According to him, subsequently he had a retraction of mind and he is not willing to continue any relationship with the petitioner at present. It is said that he had already reconverted to Hindu religion by solemnizing 'Shudhi Karma'. It is emphatically denied that he is under any illegal confinement of respondents 3 to 6, as alleged.

4. From the facts and circumstances as narrated above, we are convinced that the allegation of illegal confinement is totally baseless and it is evident that the alleged detainee is staying along with respondents 3 to 6 on his own wish and will. Therefore we find no reason to invoke the jurisdiction vested on this Court for issuing any writ of Habeas Corpus.

Accordingly, the writ petition is hereby dismissed and the alleged detainee is set at liberty to go along with the respondents 3 to 6, in accordance with his desire.

Sd/-

C.K.ABDUL REHIM, JUDGE

Sd/-

K.RAMAKRISHNAN, JUDGE

W.P.(CrI).No.318 of 2015

4

VS