

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(Crl.).No. 320 of 2015 (S)

PETITIONER:

**THULASI,
D/O. SARASWATHY, AGED 42 YEARS,
PUTHUVAL PUTHEN VEEDU, MANVILA,
KULATHOOR P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

- 1. CIRCLE INSPECTOR OF POLICE,
KAZHAKUTTOM CIRCLE,
THIRUVANANTHAPURAM DISTRICT 695001.**
- 2. SUB INSPECTOR OF POLICE,
KAZHAKUTTOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT 695001.**
- 3. RIYAS,
S/O. SHAHUL HAMEED,
SHOP No.7, EURO MENS',
TRIDA BUILDING, MELEPAZHAVANGADI,
THAKARAPARAMBU ROAD, THIRUVANANTHAPURAM-695001.**
- 4. SHAHUL HAMEED,
SHOP No.7, EURO MENS',
TRIDA BUILDING, MELEPAZHAVANGADI,
THAKARAPARAMBU ROAD, THIRUVANANTHAPURAM-695001.**

**R1 & 2 BY ADV. SMT. SREELATHA PARAMESWARAN (SPL. GOVT. PLEADER
FOR WOMEN & CHILDREN**

R4 BY ADV. SRI.B.THARIF

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 01-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONER'S EXHIBITS

- EXT- P1 - TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER'S DAUGHTER.
- EXT- P2 - TRUE COPY OF THE FIR IN CRIME No.780/2015 OF KAZHAKUTTAM POLICE STATION DATED 11-07-2015.
- EXT- P3 - TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE RESPONDENTS 1 & 2 DATED 13-07-2015.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (CrI.) No. 320 OF 2015

DATED THIS THE 1st DAY OF SEPTEMBER, 2015

J U D G M E N T

Mary Joseph, J:

Petitioner is a citizen of India and she has approached this court under Article 226 of the Constitution of India seeking the following relief.

“(i) Issue a writ of Habeas Corpus commanding and compelling the respondents 1 & 2 to trace out petitioner's minor daughter Navya aged 17 years and produce her corpus before this hon'ble court and to allow petitioner to take away her minor daughter.”

2. It is alleged in the petition that her minor daughter, named Miss.Navya, aged 17 years was missing and according to her she is under illegal detention of respondents 3 & 4. The 3rd respondent is a married man with wife and children. It is alleged by the petitioner that the 3rd respondent had abducted the petitioner's daughter on 11-07-2015 and is keeping her under illegal custody against her free will.

3. She had made complaint before the 2nd respondent and the 2nd respondent had registered a case

as Crime No.780/2015 under Section 57 of the Kerala Police Act. Thereafter no smooth investigation was pursued in the matter and therefore the petitioner has approached this court seeking the aforementioned relief. Pursuant to notice issued from this court the 4th respondent had entered appearance through counsel and submitted that he has no contact with the 3rd respondent. The alleged detainee, Miss. Navya had also appeared along with her counsel. On the interaction held with her, she submitted that she has not attained the age of 18 years and that she does not know the whereabouts of the 3rd respondent. She also expressed her reluctance to go along with the petitioner or any of her relatives. In the said circumstances, direction was given to the 2nd respondent to admit the alleged detainee, Miss. Navya at Abhaya, Athani, Vanchiyoor, Thiruvananthapuram and to the brother of the alleged detainee, to meet out the expenses of her stay at the hostel. Respondents 1 & 2 were also given liberty to pursue with the investigation process. The case was posted for further consideration on 17-08-2015. On 17-08-2015, on the submission of the learned

counsel for the petitioner that the alleged detenue will intimate her final decision before this court after Onam holidays, the case is posted to this day.

4. Today when the case is taken up the learned Government Pleader placed before us a report of the Counsellor from Abhaya, Athani, Vanchiyoor, Thiruvananthapuram. The counsellor has reported therein that the detenue had conveyed her intention to go along with the petitioner. In the interaction held by us with the detenue who is present personally before us also, she expressed her decision to go along with the petitioner. In the said circumstances the writ petition is disposed of holding that the alleged detenue was not under any illegal detention at present and she is set at liberty to go along with the petitioner as desired by her.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge