

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(Cr1.).No. 323 of 2015 (S)

PETITIONER(S) :

RAMANADHAN, AGED 58 YEARS,
S/O.CHANDRASEKHARA PILLAI, MADATHIL,
KANNAMANGALAM MURI, CHETTIKULANGARA, MAVELIKKARA
ALAPPUZHA DISTRICT.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT(S) :

1. DISTRICT POLICE CHIEF,
S.P. OFFICE, ALAPPUZHA, PIN 688 001.
2. CIRCLE INSPECTOR ,
CIRCLE OFFICE, MAVELIKKARA, PIN 690 101.
3. SUB INSPECTOR OF POLICE,
POLICE STATION, MAVELIKKARA, PIN 690 101.
4. ABDUL GAFOOR @ KOCHUMON,
S/O.SAINUDEENKUNJU, CHARUVILAPARAMBIL, PULLENPLAVU,
MAVAELIKKARA, PIN 690 101.
5. SAINUDEENKUNJU,
CHARUVILAPRAMBIL, PULLENPLAVU, MAVELIKKARA,
PIN 690 101.
6. ASHRAF, AGED 40 YEARS,
CHARUVILAPRAMBIL, PULLENPLAVU, MAVELIKKARA,
PIN 690 101.
7. BHADER,
VILLANGINTE KIZHAKKATHIL, PATHIYOOR, KAYAMKULAM,
PIN 690 502.

R1 -R3 BY SRI. K.J. ABDUL RASHEED,
ADDL.DIRECTOR GENERAL OF PROSECUTION.
R4 BY ADV.SRI.THOMAS J.ANAKKALLUNKAL
GOVERNMENT PLEADER SRI.P.S.ABDUL KAREEM.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.323 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

C.K. Abdul Rehim, J

Petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of the corpus of his daughter, Miss.Karthika .S, aged 20 years, and to set her at liberty, based on an allegation that she is under illegal confinement of respondents 4 to 7.

2. It is stated that the petitioner's daughter was studying for final year of B.Tech Degree at Mount Zion Women's College, Chengannur. But on 12.07.2015 onwards she is missing, and on enquiry it was revealed that the 4th respondent had taken her into illegal custody. According to the petitioner, the 4th respondent is keeping the alleged detainee under illegal confinement with the active assistance of respondents 5 to 7. It is further alleged that, even though the 3rd respondent had registered a case as Crime No.1103/2015 of Mavelikkara police

station, under Section 57 of the Kerala Police Act, no effective steps were taken to trace out the alleged detainee. Under such circumstances, the petitioner is approaching this court.

3. Pursuant to notice issued from this court, the alleged detainee and the 4th respondent appeared on 22.07.2015. The petitioner along with his wife was also present before this court. When we interacted, the alleged detainee said that she is in love with the 4th respondent and that she is intending to marry him. But on realizing the fact that there is no valid marriage established between them, the alleged detainee was permitted to go along with the petitioner on her willingness, with specific direction issued to the effect that the petitioner or his family members shall not compel her in any manner for agreeing for any other marriage against her wish. The alleged detainee was given liberty to take an independent decision about her marriage in future. The 2nd respondent was given direction to have surveillance in order to ensure that the alleged detainee is kept under safe custody in the house of the petitioner.

4. Today when the case is taken up, the petitioner

had produced the alleged detainee. When we interacted with the alleged detainee she said that she wanted to go along with the parents at present and that she had not taken any final decision with respect to marrying the 4th respondent. It is also said that she wanted to pursue her studies, for which the parents have agreed to send her to the college from September onwards.

Under the above mentioned circumstances, we find that there is no materials available to arrive at any conclusion that the alleged detainee is under illegal confinement, at present. She is set at liberty to go along with the petitioner and other family members, as desired by her.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

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P.A. to Judge