

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(Crl.).No. 325 of 2015 (S)

PETITIONER:

**GOPI K.K.
AGED 55 YEARS, S/O. KUTTAN UNNI,
KALLELIL VEETIL, MAZHAVANOR KARA
MAZHAVANOR VILLAGE, KUNNATHUNADU TALUK, PIN-686669.**

**BY ADVS.SRI.P.G.MANU (MAMMALASSERY)
SRI.GEORGE SEBASTIAN**

RESPONDENTS:

**1. THE SUB INSPECTOR OF POLICE
KUNNATHUNADU POLICE STATION-686669.**

**2. ARUN
S/O. RAMACHANDRAN,
KOYAMPURAYCKAL, PULLINCHUVADU
PANKOTTU P.O., AIKARANADU NORTH VILLAGE-682305.**

**R1- BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
ADV. SRI.SHIBU JOSEPH, GOVT. PLEADER.**

**R2 BY ADVS. SRI.BIJU K. VAVA
SRI.V.GIRISHKUMAR**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 30-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

WP(Crl.).No. 325 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P1- A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 15-07-2015.**

**EXHIBIT P2- A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE THE SUB-REGISTRAR, PUTHENCROUZ DATED 20-07-2015.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 325 OF 2015

DATED THIS THE 30th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is the father of the alleged detenue, Miss.Anjana. G. who had completed her plus two course and pursuing further studies for pre-Chartered Accountancy course. This petition is filed seeking a writ of Habeas Corpus for directing production of the alleged detenue and to set her at liberty, based on an allegation that she is being illegally detained by the 2nd respondent. Averments are to the effect that the petitioner's daughter had left the house on 15-07-2015 under the pretext of collecting certificates from the educational institution where she was studying. But she did not returned back. At about 5 p.m. on that day the 2nd respondent had informed over telephone that the petitioner's daughter is in his custody. Eventhough the petitioner submitted Ext.P1 complaint before the 1st

respondent, no effective steps were taken to secure custody of his daughter from the 2nd respondent. The petitioner made attempts to see his daughter at the house of the 2nd respondent on 19-07-2015. But the petitioner and his wife were not allowed to meet their daughter. The petitioner further preferred complaints before the Sub Registrar's Office as well as before the police authorities. But no effective steps were taken. It is on the basis of a specific allegation that the 2nd respondent is illegally detaining the daughter of the petitioner, this writ petition is filed.

2. Based on notice issued from this court the 2nd respondent appeared and produced the alleged detainee before this court on 24-07-2015. When we interacted with the alleged detainee she said that she was in love with the 2nd respondent for the last few years and she went along with him on 15-07-2015 on her own will. It is stated that marriage between herself and the 2nd respondent was conducted on 16-07-2015 at a temple. A certificate issued by the temple authorities evidencing such marriage was

also produced which would indicate that a marriage was solemnized as per customary rites prevailing among the community on 16-07-2015. It is submitted by the alleged detainee that since the date of marriage onwards she is living with the 2nd respondent as husband and wife. Learned counsel appearing for the 2nd respondent submitted that steps have been taken to register the marriage under the Kerala Registration of Marriages (Common) Rules, 2008. The alleged detainee expressed her desire to continue her stay with the 2nd respondent. On that basis, we directed the 2nd respondent to produce the Registration Certificate of Marriage, after completing requisite formalities. The alleged detainee was permitted to go along with the 2nd respondent.

3. Today when the case is taken up for consideration, the 2nd respondent had produced copy of the 'Certificate of Marriage' under the Kerala Registration of Marriages (Common) Rules, 2008, issued by the Local Registrar, Aikaranad Grama Panchayat (Secretary, Aikaranad Grama Panchayat) dated 28-07-2015. It is

evident that the marriage solemnized between the alleged detenue and the 2nd respondent on 16-07-2015 has already been registered under the above said Rules.

4. We take note of the valid marriage established between the 2nd respondent and the alleged detenue. It is evident that the alleged detenue is not under any illegal confinement at present. On the other hand she is living along with the 2nd respondent under the marital tie.

5. Hence we dispose of this writ petition by allowing the alleged detenue to lead marital life with the 2nd respondent at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge