

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(Crl.).No. 326 of 2015 (S)

PETITIONER(S) :

MUHAMMADALI A.K., AGED 62 YEARS,
S/O.KHADER, ALIYAMVEETIL HOUSE, PAZHANGAD,
EDAVANAKKAD.

BY ADVS.SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.R.REKESH

RESPONDENT(S) :

1. STATE OF KERALA
REP. BY ITS GOVT. PLEADER, HIGH COURT OF KERALA.
2. THE DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM -695 002.
3. SUPERINTENDENT OF POLICE,
ALUVA(RURAL), 683 006.
4. THE CIRCLE INSPECTOR OF POLICE,
NARAKKAL POLICE STATION-682 010.
5. SHAJAHAN, AGED 40 YEARS, KANJIRAPARAMBIL HOUSE,
MAKKANAI, MANNAM, NORTH PARUR-687 010.

R5 BY ADV. SRI.K.S.RAJEEV (ALUVA)
GOVERNMENT PLEADER SRI. T.P.SAJID

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 326 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

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EXT.P1- TRUE COPY OF THE FIR ALONG WITH THE FI STATEMENT

RESPONDENT(S) ' EXHIBITS

:

// True Copy//

P.A. to Judge

SS

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

W.P.(Crl.) No.326 of 2015

Dated this the 27th day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

This writ petition is filed by the father of the alleged detainee Mrs.Shinu. It is stated that Mrs.Shinu was married to one Mr.Shabin and a boy named Al-Amin was born out of that wedlock in the year 2012. Mrs.Shinu and the child were living along with the petitioner due to some marital disputes with her husband. It is stated that Mrs.Shinu along with the child was missing from the petitioner's house on 09.07.2015 onwards. They were taken by the 5th respondent, is the allegation. It is stated that the 5th respondent is a person who had already married and having two children. This petition is filed seeking a writ of Habeas Corpus directing for production of Mrs.Shinu and the child Al-Amin, based on the allegation that they were

illegally detained by the 5th respondent, against their free will. It is also mentioned that, based on a complaint submitted by the petitioner before the 3rd respondent a criminal case was registered as Crime No.694/2015 of Narackal police station under Section 57 of the Kerala Police Act.

2. Learned Government Pleader appearing for respondents 1 to 4 submitted that, the alleged detenues were traced out in the criminal case registered by the 4th respondent. They were produced before the Judicial First Class Magistrate Court, Narackal on 24.07.2015. The learned Magistrate had permitted the alleged detenues to go along with the petitioner, subject to condition that they will appear before this court on today.

3. Today when the case is taken up, the alleged detenues are produced. We interacted with Mrs.Shinu, who is personally present along with the child, Al-Amin. She expressed her desire to go along with the petitioner.

According to her, she is not under any illegal confinement at present.

Under the above mentioned circumstances, this writ petition is disposed of by setting the alleged detenues at liberty and permitting them to go along with the petitioner.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge