

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(Crl.).No. 328 of 2015 (S)

PETITIONER:

**MUHAMMAD RISHAD,
AGED 26 YEARS, S/O.USMAN,
KENIKKAL HOUSE, VELLAMUNDA POST
WAYANAD DISTRICT.**

BY ADV. SMT.NIMA JACOB

RESPONDENTS:

- 1. THE DISTRICT SUPERINTENDENT OF POLICE
ERNAKULAM-682 031.**
- 2. THE CIRCLE INSPECTOR OF POLICE
MATTANCHERRY-682 002.**
- 3. THE SUB INSPECTOR OF POLICE
MATTANCHERRY POLICE STATION, ERNAKULAM.**
- 4. A.K.THAJUDEEN
H.NO.XII/1340-A,
PANAYAPPALLY POST, KOCHI-682 002.**

**R1-R3 BY ADV. SMT.SREELATHA PARAMESWARAN, SPL. GOVT. PLEADER
R4 BY ADV. SRI.R.O. MUHAMED SHEMEEM**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 29-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1. TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER
DATED 21/4/2015.**

**EXT.P2. TRUE COPY OF THE MARRIAGE PHOTOGRAPHS OF THE
PETITIONER.**

EXT.P3. TRUE COPY OF THE EMAIL SEND BY THE DETENUE.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 328 OF 2015

DATED THIS THE 29th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of the alleged detainee, Smt.Zeba Parveen, based on an allegation that she is under illegal confinement of the 4th respondent, her father, and other relatives. Allegations in the writ petition are to the effect that, a marriage between the petitioner and the alleged detainee was solemnized on 21-04-2015 at Chennai and the said marriage was registered under the Tamil Nadu Registration of Marriages Act, 2009, as evidenced from Ext.P1 Marriage Certificate produced. It is stated that when the 4th respondent came to know about the marriage he contacted the petitioner and the alleged detainee, and assured that he is ready to approve the relationship. It was promised to conduct a ceremonial

marriage to protect reputation of the family. On that basis the petitioner yielded to the request of the 4th respondent and sent the alleged detainee to her house. But thereafter the 4th respondent denied to have any contact of the petitioner with the alleged detainee and it was learned that the 4th respondent had made a complaint before the 3rd respondent alleging the offence of abduction against the petitioner. Since the alleged detainee had informed that she is under illegal detention, this writ petition is filed.

2. When the matter came up for consideration on 21-07-2015 this court directed the 3rd respondent to contact the alleged detainee and to get her statement recorded independently, not in the presence of any of her family members. In a statement produced before this court by the 3rd respondent we noticed that the alleged detainee had conceded about the marriage registered at Chennai. But she had categorically mentioned that her parents are not willing to permit the relationship with the petitioner and that she had no interest in continuing such relationship against the opinion of the parents.

3. Despite noticing the statement recorded, this court thought it fit to have direct interaction with the alleged detainee. Therefore we directed the 4th respondent to produce the alleged detainee on today. Today when the case is taken up the 4th respondent entered appearance through counsel and produced the alleged detainee before this court. When we interacted with the alleged detainee she said that she is staying along with the 4th respondent on her own free will and she is not under any illegal confinement, as alleged. She said that she is desiring to go along with the 4th respondent. She also said that she has not taken any decision with respect to continuance of any relationship with the petitioner at present.

4. Under the above mentioned circumstances we are of the considered opinion that the allegation regarding illegal confinement is totally baseless. Therefore there is no circumstances existing for interference of this court to order release of the alleged detainee. However, we make it clear that we have not expressed anything about the validity of the marriage solemnized as per Ext.P1. The parties will

be at liberty to seek appropriate remedy with respect to any such dispute.

5. The writ petition is disposed of by permitting the alleged detainee to go along with the 4th respondent as per her desire.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge