

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. 332 of 2015 (S)

PETITIONER:

**MOHANA KUMAR,
S/O.SHIVASHANKARAN, AMBADI, TC 48/797,
KONCHIRAVILA, MANACAUD P.O,
THIRUVANANTHAPURAM.**

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE
FORT POLICE STATION,
THIRUVANANTHAPURAM DISTRICT, PIN -695 001.**
 - 2. THE CIRCLE INSPECTOR OF POLICE,
FORT, THIRUVANANTHAPURAM DISTRICT, PIN-695 001.**
 - 3. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY, PIN - 695 001.**
 - 4. DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM -695 001.**
 - 5. SHAFIQUE,
S/O.MAHIN KANNU, AGED 28 YEARS,
ASARAFIYA MANZIL, TC 33/1635,
THORANCODE, KIZHEKKEKOM, VATTIYOORKKAVU P.O
THIRUVANANTHAPURAM DISTRICT 695 026.**
- R1-R4 BY ADV. SMT. SREELATHA PARAMESWARAN, (SPL. G.P. FOR WOMEN
AND CHILDREN)**
- R5 BY ADVS. SRI.S.JUSTUS
SRI.A.SAJJATH
SRI.K.T.SEBASTIAN**

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

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

W.P (Crl.) No. 332 OF 2015

DATED THIS THE 1st DAY OF SEPTEMBER, 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 his daughter, Miss.Amritha M.S., who is alleged to have been detained by the 5th respondent.

2. Averments in the writ petition is that the petitioner's daughter was studying for B.Sc Nursing at 'SIMET Nursing College', Palluruthy. She is missing since 20-07-2015 onwards and enquiries made by the petitioner had revealed that the 5th respondent and his henchmen had abducted her in a motor car from the vicinity of the college where she was studying. Based on a complaint lodged by the petitioner, the 1st respondent had registered Crime No.1590/2015 under Section 57 of the Kerala Police Act. Alleging that no effective investigation is conducted to trace

out the missing girl and also alleging that she is being illegal detained by the 5th respondent, this writ petition is filed.

3. When the case came up for admission, this court had issued notice to the 5th respondent directing for production of the alleged detainee. But on 28-07-2015 it was informed that the alleged detainee had surrendered before the 1st respondent on 21-07-2015 and was produced before the Judicial First Class Magistrate-II, Thiruvananthapuram in connection with the case registered by the 1st respondent. It is mentioned that the learned Magistrate had permitted the alleged detainee to go along with the 5th respondent, after recording her statement. The 5th respondent as well as the alleged detainee appeared before this court on 28-07-2015. When we interacted the alleged detainee had informed her determination to marry the 5th respondent. It is said that a notice of intention of marriage has already been given to the Marriage Officer (Sub Registrar), Sasthamangalam on 25-07-2015. The alleged detainee was

not willing to go back to her parental house along with the petitioner. She expressed desire to continue her studies by staying in the hostel arranged by the college authorities and also to attend the training course for the batch of students being conducted at Govt. Mental Hospital at Thrissur from 1st August 2015 onwards. Under such circumstances we permitted the alleged detainee to stay at the hostel accommodation arranged by the college authorities. The 5th respondent was permitted to pursue necessary steps for solemnization of the marriage on the basis of the notice of intention already given. The alleged detainee was also permitted to appear before the Marriage Officer for solemnization of the marriage on any date after 24-08-2015. The case was adjourned thereafter for production of the Marriage Certificate.

4. Today, when the matter is taken up, learned counsel appearing for the 5th respondent had produced Certificate of Marriage issued by the Marriage Officer, Sasthamangalam, dated 26-08-2015. The certificate would

indicate that a valid marriage has been solemnized between the alleged detainee and the 5th respondent on 26-08-2015. This court takes note on record the valid marriage established between the alleged detainee and the 5th respondent.

5. Under the above mentioned circumstances this writ petition is disposed of based on the finding that the alleged detainee is not under any illegal confinement. The alleged detainee is permitted to reside along with the 5th respondent as husband and wife on the basis of the valid marriage established, at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge