

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 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(Crl.).No. 335 of 2015 (S)

PETITIONER(S) :

SOUMITHRU, AGED 22 YEARS,
S/O.HAREENDRAN, VELIYATH HOUSE, EDATHIRINJI P.O.,
THRISSUR DISTRICT-680 122 .

BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE HOME AFFAIRS,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. DEPUTY SUPERINTENDENT OF POLICE,
IRINJALAKUDA 680 121.
3. THE CIRCLE INSPECTOR OF POLICE,
VALAPPADU 680 567.
4. SUB INSPECTOR OF POLICE,
VALAPPADU POLICE STATION 680 567.
5. ASHRAF, AGED 50 YEARS,
PUTHIYAVEETIL, VALAPPADU P.O, 680 567.
6. MUMDHAS, AGED 48 YEARS,
W/O.ASHARAF, PUTHIYAVEETIL, VALAPPADU P.O.,
PIN-680 567.

R1-R4 BY SRI. TOM JOSE PADINJAREKKARA,
ADDL.DIRECTOR GENERAL OF PROSECUTION
GOVERNMENT PLEADER SRI.SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 335 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

:

EXHIBIT P1. COPY OF THE CERTIFICATE ISSUED BY THE PRINCIPAL OF THE
COLLEGE.

EXHIBIT P2. COPY OF THE PRINT OUT OF THE MESSAGES SENT FROM THE
TELEPHONE OF THE DETENUE TO THE PETITIONER.

RESPONDENT(S) ' EXHIBITS

: NIL

// True Copy//

P.A. to Judge

SS

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

W.P.(Crl.)No.335 of 2015

Dated this the 7th day of August, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is a student of the 3rd year Degree Course in S.N. College, Nattika. It is stated that the petitioner is in love with Miss.Aashitha, daughter of respondents 5 and 6 herein, who was also studying in the same college in 2nd year Degree Course. It is stated that the alleged detainee and the petitioner were in love since 2012 onwards and they used to meet very often and exchange messages each other within the college premises. But when a proposal for marriage was put forth before the respondents 5 and 6, both of them as well as their relatives were not willing to accept the same. It is stated that the respondents 5 and 6 have forced the alleged detainee to discontinue her studies and she is being illegally detained without permitting her to have any contact with the

petitioner or with any of her other friends. Based on the allegation that the alleged detainee is kept under illegal confinement by respondents 5 and 6, against her free will, this petition is filed seeking a writ of Habeas Corpus for directing production of the alleged detainee, Miss.Aashitha and to set her at liberty.

2. When the case came up for admission, we directed the 4th respondent to get an independent statement recorded from the alleged detainee with respect to the alleged illegal confinement. In the statement produced the alleged detainee had mentioned that, she was compelled by her parents to stop her studies, since they came to know about the relationship with the petitioner. It is stated that she is still maintaining her love and affection towards the petitioner and that she is desiring to have a life with him. However it is mentioned that the respondents 5 and 6 have not proposed any other marriage to her nor had they inflicted any torture.

3. Based on evaluation of the above said

statement, we issued notice to respondents 5 and 6 directing to produce the alleged detainee before this court. The respondents 5 and 6 appeared in person and produced the alleged detainee. When we interacted with them, respondents 5 and 6 had agreed that they will permit the alleged detainee to continue her studies and to complete the course. It was also promised that the alleged detainee will not be compelled to agree for any other marriage for which she is not willing. Based on the undertakings expressed by respondents 5 and 6 as mentioned above, the alleged detainee expressed her willingness to go along with respondents 5 and 6 to her parental house. She said that she is intending to pursue her studies and to take an appropriate decision with respect to her future life with the petitioner, on a later stage.

Under the above mentioned circumstances, we are of the considered opinion that there is no material existing for this court to arrive at any conclusion that the alleged detainee is under illegal confinement, at present. As

desired by the alleged detainee, she is set at liberty to go along with the respondents 5 and 6.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

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