

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(Crl.).No. 336 of 2015 (S)

PETITIONERS:

- 1. DIXON M.J.
AGED 46 YEARS, S/O.JOHNY M.D.,
MOOLANKODAN HOUSE, MOTHERTHERESIA ROAD,
EDAPPALLY NORTH, ERNAKULAM DISTRICT.**
- 2. SABITHA,
AGED 42 YEARS, W/O.DIXON M.J.,
MOOLANKODAN HOUSE, MOTHERTHERESIA ROAD,
EDAPPALLY NORTH, ERNAKULAM DISTRICT.**

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

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO THE HOME AFFAIRS
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. DEPUTY SUPERINTENDENT OF POLICE
KARUNAGAPPALY - 690 518.**
- 3. THE CIRCLE INSPECTOR OF POLICE
CHAVARA, KOLLAM - 691 583.**
- 4. SUB INSPECTOR OF POLICE
KOYIVILA POLICE STATION, KOLLAM - 690 574.**
- 5. MANUAL, AGED 21 YEARS
S/O.JOHN, CHEMBOLIKIZHAKETHIL HOUSE, KOYIVILA
PAVUMBA, KOLLAM - 690 574.**

**R1 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
SRI.SHIBU JOSEPH, SR. GOVT. PLEADER
R5 BY ADVS. SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 18-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1. THE TRUE COPY OF THE FIR.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

WP(CR) .No. 336 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

Abdul Rehim,J.

Parents of the alleged detenu viz. Maria Dixon, aged 19 years are the petitioners herein, who are seeking a writ of habeas corpus for directing production of her corpus, based on an allegation that she is under illegal detention of the 5th respondent.

2. Averments in the writ petition are to the effect that, the petitioners daughter was studying for BBA course at Bharath Matha College Thrikkakara and one more year is left to complete her course. It is stated that the alleged detenu Miss. Maria Dixon got acquainted with the 5th respondent when she attended a charismatic retreat at Muringoor, Potta, along with the 2nd petitioner. It is alleged that the 5th respondent had induced her under the pretext of love and the alleged detenue went away from the house of the petitioners on 29.6.2015 . It is stated that,

based on a complaint submitted by the petitioners, Ext.P1 case was registered as crime No.529/2015 of Elamakara Police Station under section 57 of the Kerala Police Act with respect to missing of the alleged detenu. The police had traced out the alleged detenu and arrested the 5th respondent. The alleged detenu was produced before the Judicial 1st Class Magistrate, Aluva and the missing case was closed on the basis of her statement. When the alleged detenu was released from the Magistrate's court, the 5th respondent took her to his home without permitting the petitioners to have any interaction, is the allegation. On the premise that the 5th respondent is not permitting the petitioners to have any contact with their daughter and on the allegation that she is being illegally confined against her free will, this writ petition is filed.

3. Based on orders issued by this court directing the police authorities to trace out and produce the alleged detenu, the 5th respondent entered appearance through counsel and produced the alleged detenu before this court on 4.8.2015. When we interacted with the alleged detenu she said that she is living with the 5th respondent from 29.6.2015 onwards. It was

also stated that a marriage was solemnised between herself and the 5th respondent at "Chavara, Arackal Sreebhadrakali Devi Kshethram" on 3.8.2015. It is also submitted that, 'notice of intention of marriage' was already submitted before the Marriage Officer, Kollam under the Special Marriage Act. The alleged detenu expressed her desire to stay along with the 5th respondent. But this court noticed that there is no legally valid marriage established between the alleged detenu and the 5th respondent, because the 5th respondent had already converted to Christianity and both of them now belong to Christian religion. Therefore this court directed the 5th respondent and the alleged detenu to complete the formalities with respect to solemnisation of Marriage under the Special Marriage Act and to produce the Marriage Certificate, based on the notice of intention already given. The alleged detenu was permitted to go along with the 5th respondent on the above basis.

4. Today when the case is taken up for consideration, learned counsel appearing for the 5th respondent had produced a Marriage Certificate issued from St.Francis Xavier Church Pavumba, Chavara, Kollam. It would indicate that a customary

marriage was solemnised between the alleged detenue and the 5th respondent as per religious rites, on 10.8.2015. It is also submitted that steps are being taken to register the marriage under the Kerala Registration of Marriages (Common) Rules. Learned counsel appearing for the petitioner also submitted that the petitioners have accepted the marriage and they have no objection in the alleged detenu living along with the 5th respondent as husband and wife.

5. Under the above mentioned circumstance this court is of the opinion that there is no illegal confinement of the alleged detenu at present. We take note on record the valid marriage established between the alleged detenu and the 5th respondent. On that basis the above writ petition is disposed of by setting the alleged detenu at liberty to live as husband and wife in any place of their choice.

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

