

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(Cr1.).No. 339 of 2015 (S)

PETITIONER:

ASHRUDHEEN K.J AGED 23 YEARS
S/O.ISMAIL K.E, KOTTACAKEL HOUSE, VENGOLA VILLAGE
KUNNATHUNAD THALUK, ERNAKULAM DISTRICT.

BY ADVS. SRI.C.A.NAVAS
SRI.T.K.SASIKUMAR
SRI.P.A.SHAJI SAMAD
SRI.C.J.SOLOMAN
SMT.E.G.AMBILY

RESPONDENTS:

1. RAMAKRISHNAN, AGED 50 YEARS
S/O.NOT KNOWN, MADATHIL HOUSE, VENGOLA KARA
VENGOLA VILLAGE, KUNNATHUNAD THALUK
ERNAKULAM DISTRICT.683011
2. GIRIJA, AGED 44 YEARS
W/O.RAMAKRISHNAN, MADATHIL HOUSE, VENGOLA KARA
VENGOLA VILLAGE, KUNNATHUNAD THALUK
ERNAKULAM DISTRICT.683011
3. SUB INSPECTOR OF POLICE
PERUMBAVOOR POLICE STATION, PERUMBAVOOR,
ERNAKULAM DISTRICT.683001
4. CIRCLE INSPECTOR OF POLICE
PERUMBAVOOR POLICE STATION, PERUMBAVOOR
ERNAKULAM DISTRICT.683001
5. SUPERINTENDENT OF POLICE
ERNAKULAM DISTRICT, ERNAKULAM.687018
6. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.687031

R1 & R2 BY ADV. SRI.C.K.MOHANAN
R3-R6 BY GOVERNMENT PLEADER SRI.P.S.ABDUL KAREEM WITH
ADDL.DIRECTOR GENERAL OF PROSECUTION,SRI.K.I.ABDUL
RASHEED

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Cr1.).No. 339 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. - PHOTOSTAT COPY OF THE MARRIAGE CERTIFICATE NO.25/2015 DATED
03.06.2015.

EXT.P2. - PHOTOSTAT COPY OF THE PETITION DATED 26.07.2015.

RESPONDENTS' EXHIBITS
----- : NIL

// TRUE COPY //

P.A. TO JUDGE

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

W.P.(Crl.) No.339 of 2015

Dated this the 3rd day of August, 2015

JUDGMENT

C.K.Abdul Rehim J.

The petitioner is approaching this Court seeking a writ of Habeas Corpus for directing production of Miss. Athira R. Krishna, with whom he had fallen in love and contracted a marriage under the Special Marriage Act. Based on an allegation that she is being illegally detained by her parents, the respondents 1 and 2 herein, the petitioner is seeking direction to set at her liberty. It is mentioned in the writ petition that, marriage between petitioner and alleged detainee was solemnised under provisions of the Special Marriage Act on 03.06.2015. Ext.P1 is the certificate of marriage produced. It is alleged that the detainee had informed the petitioner on 23.07.2015 that she was not allowed by her parents to see the petitioner and that she is

being threatened by respondents 1 and 2 with dire consequences with respect the relation being continued.

2. Based on notice issued from this Court, the respondents 1 and 2 appeared through counsel and produced the alleged detainee, Miss Athira R.Krishna. When we interacted with the alleged detainee she said that she is in love with the petitioner and that they have registered the marriage under the Special Marriage Act on 03.06.2015. But she categorically mentioned that she is not under any illegal confinement of the parents as alleged. According to her, there was no consummation of the marriage and she had never lived with the petitioner. She expressed her desire to go along with respondents 1 and 2 and said that she has not taken any final decision with respect to continuation of her relationship with the petitioner.

3. Under the above mentioned circumstances, we are of the considered opinion that the alleged detainee is not under any illegal confinement as alleged . Hence there

exists no circumstance warranting interference of this Court for issuance of any writ of Habeas Corpus. The parties are at liberty to take appropriate decision with respect to their future life or to seek remedy from appropriate court regarding disputes if any with respect to their marital status.

This Writ Petition is disposed of accordingly.

Sd/-
C. K. ABDUL REHIM, JUDGE

Sd/-
K. RAMAKRISHNAN, JUDGE

sm/