

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(Crl.).No. 351 of 2015 (S)

PETITIONER(S):

**GEORGE, S/O.SAMUEL, AGED 53 YEARS,
OLIKKARA MELATHIL, CHERUMOODU, VELLIMON,
KOLLAM (DT).**

BY ADV. SRI.SUNNY ZACHARIAH

RESPONDENT(S):

- 1. SUPERINTENDENT OF POLICE, KOLLAM (RURAL),
KOTTARAKKARA.**
- 2. CIRCLE INSPECTOR OF POLICE,
KUNDARA, KOLLAM (DT)**
- 3. SUB INSPECTOR OF POLICE,
KUNDARA, KOLLAM (DT)**
- 4. NOEL @ VISHNU,
AGED ABOUT 30, S/O.THANKACHI, KALLIKKADU,
'THAGO', MUGHATHALA, KOLLAM,
PIN - 691 508.**
- 5. THANKACHI,
AGED ABOUT 50, HUSBAND'S NAME NOT KNOWN, KALLIKKADU,
'THAGO', MUGHATHALA, KOLLAM,
PIN - 691 508.**

**R1-R3 BY ADV. SRI.TOM JOSE PADINJAREKKARA
ADDL.DIRECTOR GENERAL OF PROSECUTION
BY GOVERNMENT PLEADER SRI.SHIBU JOSEPH**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(Crl.).No. 351 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - COPY OF CRIME NO.1511/2015 OF KUNDARA POLICE STATION DATED 14.07.2015
WITH FIS**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

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

W.P (CrI.) No. 351 OF 2015

DATED THIS THE 7th DAY OF OCTOBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Petitioner is the father of a girl named, Jisha aged 20 years. He is approaching this court seeking a writ of Habeas Corpus for production of his daughter and to set her at liberty, based on an allegation that she is illegally detained by respondent 4 & 5.

2. It is stated that the alleged detenu, who was residing in the house of the petitioner, is missing from his residence since 13-07-2015 onwards. On the basis of a complaint lodged by the petitioner before the 3rd respondent, Ext.P1 case as Crime No.1511/2015 was registered under Section 57 of the Kerala Police Act. It is alleged in this writ petition that the daughter of the petitioner had left the house along with the 4th respondent. The 5th respondent herein is the mother of the 4th respondent. Allegations are to the effect that the

respondents 4 & 5 had enticed and compelled the alleged detainee to agree for a marriage with the 4th respondent. It is stated that the 5th respondent had admitted that the alleged detainee is in the custody of the 4th respondent. Eventhough she had promised to bring back her, later she had washed off her hands and pretended ignorance with respect to the whereabouts of the alleged detainee and the 4th respondent. Under the above mentioned circumstances, based on a specific allegation that the alleged detainee is detained illegally against her will by the respondents 4 & 5, the above writ petition is filed.

3. Despite notice served from this court, the respondents 4 & 5 have not entered appearance. Therefore this court directed the 1st respondent to intensify the investigation of Ext.P1 crime and to trace out the alleged detainee and to produce her before this court. Accordingly the 3rd respondent had produced the alleged detainee before this court on 21-08-2015. It was submitted that the alleged detainee was traced out on 17-08-2015 and produced before

the Judicial First Class Magistrate-I, Kollam on 18-08-2015. After recording her statement, the learned Magistrate had directed the 3rd respondent to admit her at 'Mahila Mandiram', in view of the direction issued by this court for her production. The 4th respondent also appeared in person before this court. When we interacted with the alleged detainee and the 4th respondent, they informed about their strong determination to marry each other. It is informed that they have decided to solemnize the marriage under religious rites and ceremonies prevailing in the Christian community, because the 4th respondent had decided to convert to Christianity. Based on the determination expressed by the alleged detainee and the 4th respondent, we interacted with the petitioner, who was personally present. The petitioner expressed his no objection in giving the alleged detainee in marriage to the 4th respondent, provided the 4th respondent embraces Christianity. He said that in such case he will co-operate to get the marriage solemnized in the Christian church. Under the above

mentioned circumstances the parties have agreed to take necessary steps to solemnize the marriage as per religious rites and ceremonies prevailing in the Christian community. The case was adjourned further for reporting about the marriage, and the alleged detinue was permitted to go along with the petitioner.

4. Today, when the case is taken up, learned counsel appearing for the petitioner had produced a Certificate of Marriage issued under the Kerala Registration of Marriages (Common) Rules, 2008. The said certificate is seen issued by the local Registrar of Marriages (Common), who is the Secretary, Perinad Grama Panchayat in Kollam District. It is evident from the certificate that marriage between the alleged detinue and the 4th respondent was solemnized at St. Sebastian's Church, Perinad, Kollam on 30-09-2015. It is further evident that the said marriage was got registered under the above said Rules, before the Registrar of Marriages, on 05-10-2015.

5. Under the above mentioned circumstances this court takes on record that a legally valid marriage has established between the alleged detainee and the 4th respondent. It is convinced that the alleged detainee is not under any illegal confinement. Both the alleged detainee and the 4th respondent are personally present before this court. They said that they are intending to lead marital life at the house of the 4th respondent.

6. Hence the above writ petition is hereby disposed of by setting the alleged detainee at liberty to live with the 4th respondent as husband and wife, at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge