

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

WP(Crl.).No. 358 of 2015 (S)

PETITIONER:

**C.DILIJITH,
AGED 24 YEARS, S/O.MADHUSOODANAN,
CHATHIATH HOUSE, MAYYANNUR
VADAKARA 673 542, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.HARIDAS P NAIR
SRI.M.A.VINOD
SMT.B.SABITHA (DESOM)**

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE, VADAKARA
VADAKARA POLICE STATION, VADAKARA, KOZHIKODE 673 542.**
- 2. THE CIRCLE INSPECTOR OF POLICE
VADAKARA POLICE STATION, VADAKARA, KOZHIKODE 673 542.**
- 3. THE SUPERINTENDENT OF POLICE
KOZHIKODE RURAL, VADAKARA,
KOZHIKODE DISTRICT, PIN-673 542.**
- 4. BABU
SHEELA NIVAS, KOTTAPARAMBU, CHOLAMVAYAL
VADAKARA, KOZHIKODE, PIN-673 542.**
- 5. SIJO JOHNSON
PODATH HOUSE, VENGANALLOOR P.O,
CHELAKKARA, THRISSUR 680 586.**

**R1-R3 BY ADV. SMT. SREELATHA PARAMESWARAN, (SPL. G.P. FOR WOMEN
AND CHILDREN)**

**R4 & 5 BY ADVS. SRI.U.K.DEVIDAS
SRI.K.K.ANILRAJ**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 31-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1. COPY OF THE CERTIFICATE AND IDENTITY CARD OF THE DETENUE TO PROVE THE AGE.**
- EXHIBIT P2. COPY OF THE AADHAR CARD OF THE PETITIONER TO PROVE THE AGE.**
- EXHIBIT P3. COPY OF THE MESSAGES SEND BY THE DETENUE TO THE PETITIONER.**
- EXHIBIT P4. COPY OF THE PHOTOGRAPHS OF THE PETITIONER AND THE DETENUE.**
- EXHIBIT P5. COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE IST RESPONDENT DATED 5.8.15.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 358 OF 2015

DATED THIS THE 31st DAY OF AUGUST, 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 the corpus of Miss.Shiji Babu, the daughter of the 4th respondent, based on an allegation that she is being illegally detained by respondents 4 & 5.

2. It is stated that the petitioner and the alleged detenu have studied together in Government H.S.S, Puthoor, Vatakara, during the year 2008-2009 and they fell in love each other. According to the petitioner they have decided to marry and to live together while attaining majority. It is stated that the petitioner is now working in a private company as Manager and is drawing salary of Rs.20,000/- along with incentives. According to the petitioner both the families have frequent acquaintance and interactions and they have knowledge about the decision of

the petitioner and the alleged detainee. Since the petitioner belongs to Hindu community and the alleged detainee belongs to Christian community, they have decided to get married as per the Special Marriage Act. On 19-07-2015 the alleged detainee came to meet the petitioner and they have decided to solemnize the marriage during 1st week of August, 2015. When the 5th respondent got information about the decision, he along with the 4th respondent declared that they will not allow the alleged detainee to marry the petitioner. Thereafter she was not permitted to have any contact with the petitioner. Under such circumstances the petitioner filed a complaint before the 1st respondent requesting to find out the alleged detainee and to give necessary assistance for solemnization of the marriage. But no action was taken on the basis of such complaint submitted to the 1st respondent. Based on a specific allegation that the alleged detainee is under illegal confinement of respondents 4 & 5, this writ petition is filed.

3. When the case came up for admission on 11-08-2015 we directed the 2nd respondent to conduct a discrete

enquiry regarding the alleged illegal confinement of the daughter of the 4th respondent. The 2nd respondent was directed to get a statement recorded from the alleged detainee, by deputing a woman police officer, not in uniform. A statement recorded from the alleged detainee was produced before this court on 18-08-2015. In the statement given by the alleged detainee it is mentioned that, she is not under any illegal confinement of the family members or others and they are not torturing her in any manner. But she had mentioned about the relationship and love affair with the petitioner. After a perusal of the statement, this court issued notice to respondents 4 & 5 directing production of the alleged detainee before this court. Accordingly counsel entered appearance on behalf of respondents 4 & 5 on 21-08-2015 and had undertaken to produce the alleged detainee before this court on today.

4. Today, when the case is taken up, the 4th respondent had produced the alleged detainee before this court. We had independent interaction with the alleged detainee. She said that she is doing internship of B.H.M.S

course at Mangalapuram. She said that she wants to continue her course and to complete her internship. She categorically mentioned that she is not under any illegal confinement as alleged and she is staying along with her parents on her own free will. According to her she had not taken any final decision at present, with respect to any marital relationship with the petitioner.

5. Under the above mentioned circumstances we find that the alleged detinue, Miss.Shiji Babu is not under any illegal confinement as alleged in the writ petition. Hence the above writ petition is disposed of by setting her at free to go along with the 4th respondent to her parental house, as desired by her.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge