

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 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(Crl.).No. 362 of 2015 (S)

PETITIONER(S) :

MURALEEDHARAN PILLAI, AGED 55 YEARS,
S/O.KUMARA PILLAI, MUKESH BHAVANAM, PAMBALIL CHERRY,
PERINADU P.O., KOLLAM.

BY ADVS.SRI.K.SIJU
SMT.S.SEETHA

RESPONDENT(S) :

1. THE CITY POLICE COMMISSIONER,
KOLLAM-691 001.
2. SUB INSPECTOR OF POLICE,
ANCHALUMMOODU POLICE STATION - 691 601.
3. NAVAS S.
S/O.ABDUL SALAM, NAVAS MANZIL, AMPAZHAVAYAL,
PERINADU P.O., KOLLAM-691 601.
4. SHAMNAD,
S/O.ABDUL RASHEED, SHAMNAD MANZIL, KOTTAMKARA CHERRY,
KOTTAMKARA VILLAGE, KOLLAM DISTRICT-691 005.
5. ABIN NIZAM,
S/O.ABDUL SALAM, FATHIMA MANZIL, NEAR BSNL OFFICE,
PAMPALIL CHERRY, PANAYAM VILLAGE,
KOLLAM DISTRICT-691 601.
6. SUDHEER,
S/O.BASHEER, FATHIMA VILLA, KOPPAM VEETIL,
KOTTAMKARA CHERRY, KOTTAMKARA VILLAGE-691 005.

R3-6 BY ADV. SRI.M.H.HANIL KUMAR
SPECIAL GOVERNMENT PLEADER (WOMEN & CHILDREN)
SMT.SREELATHA PARAMESWARAN.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP (Cr1.) .No. 362 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

:

P1 : THE COPY OF FIR IN CRIME NO.1172/2015 OF ANCHALUMMOODU
POLICE STATION.

RESPONDENT(S) ' EXHIBITS

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// True Copy//

P.A. to Judge

SS

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

W.P.(Crl.) No.362 of 2015

Dated this the 21st 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 the corpus of his daughter, Miss.Veena M.V., aged 21 years, who is alleged to be under illegal detention of respondents 3 to 6. It is stated that the petitioner's daughter was missing from his house from 08.08.2015 onwards. Even though the 2nd respondent had registered Ext.P1 case, with respect to missing of the petitioner's daughter, no effective steps were taken to trace out her, is the allegation.

2. Averments in the writ petition is to the effect that, marriage of the petitioner's daughter was fixed with another person and an engagement ceremony was conducted on 27.02.2015. The proposed marriage was

scheduled to be solemnized on 01.05.2015. At that juncture, the alleged detainee had left the house on 08.08.2015, after taking some gold ornaments and cash. According to the petitioner the alleged detainee was abducted by the 3rd respondent and is kept under illegal custody with assistance and connivance of the respondents 4 to 6. Apprehending that the petitioner's daughter is under illegal confinement against her free will, this writ petition is filed.

3. Pursuant to orders issued by this court on earlier occasions, the alleged detainee along with the 3rd respondent appeared on today. Learned Government Pleader appearing on behalf of respondents 1 and 2 submitted that the alleged detainee had appeared before the Judicial First Class Magistrate Court-I, Kollam, on 19.08.2015, in Ext.P1 case registered. It is stated on behalf of the 2nd respondent that, even though learned Magistrate had directed the alleged detainee to appear before the 2nd

respondent, she had not appeared at the police station. However, when we interacted with the alleged detainee and with the 3rd respondent, they said that a marriage between them under the Special Marriage Act was already solemnized as early as on 10.04.2015. The Certificate of Marriage issued by the Marriage Officer, Kundara is produced for our perusal. It would indicate that a valid marriage has been solemnized and registered under the Special Marriage Act, 1954 between the alleged detainee and the 3rd respondent on 10.04.2015. According to the alleged detainee and the 3rd respondent, since 08.08.2015 onwards they are living together at various places.

4. They also submitted that the ornaments and cash taken by the alleged detainee from the house of the petitioner is kept in safe custody in a Bank locker and that they are prepared to return the same to the petitioner. It is conceded that the ornaments and cash will be taken from

the Bank locker on tomorrow itself and will be produced before the 2nd respondent, for handing over the same to the petitioner. The 2nd respondent had undertaken that, if the articles are produced before the Station House by the 3rd respondent and the alleged detainee, the same will be handed over to the petitioner on getting proper acknowledgment. In any case, if the ornaments and cash is not handed over by the alleged detainee and the 3rd respondent as agreed upon, the petitioner will be at liberty to take appropriate legal steps to recover the same.

5. Under the above mentioned circumstances, we notice that the petitioner's daughter Miss.Veena M.V., is not under any illegal confinement as alleged. This court takes note on record the valid marriage established between the alleged detainee, Miss.Veena M.V., and the 3rd respondent Sri.Navas A.

Therefore this writ petition is disposed of by

setting the alleged detenue at liberty to live together with the 3rd respondent as husband and wife, at any place of their choice.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

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