

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(Crl.).No. 375 of 2015 (S)

PETITIONER:

**BIBIN A.M,
AGED 28 YEARS, S/O.MATHEW JACOB,
RESIDING AT ARAKKALAYIL HOUSE
NEETOOR P.O., KADANAD VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT-686 651.**

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENTS:

- 1. BABU K.M
AGED 55 YEARS, S/O.MATHAI, KALIYATH HOUSE,
KANNANKULNGARA,
THRIPUNITHIRA, ERNAKULAM-682 301.**
- 2. JESSY
AGED 50 YEARS, W/O.BABU K.M,
KALIYATH HOUSE, KANNANKULANGARA
THRIPUNITHIRA, ERNAKULAM-682 301.**
- 3. SUB INSPECTOR OF POLICE
HILL PALACE POLICE STATION, THRIPUNITHURA
ERNAKULAM DISTRICT.**
- 4. THE COMMISSIONER OF POLICE
KOCHI CITY, ERNAKULAM DISTRICT.**

**R3 & R4 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
SRI.SHIBU JOSEPH, SR. GOVT. PLEADER**

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

WP(Crl.).No. 375 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.1. COPY OF THE ACKNOWLEDGMENT FOR THE RECEIPT OF MONEY BEARING
NO.ABO 881058 DATED 25/7/2015.**

**EXT.2. TRUE COPY OF THE DRIVING LICENCE BEARING NO.39/5775/2014
DATED 30/9/2014 ISSUED TO BSIMI K.B.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 375 OF 2015

DATED THIS THE 3rd DAY OF SEPTEMBER, 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 daughter of respondents 1 & 2, Miss. Bismi K.B., with whom he is allegedly in love, on the basis of an allegation that she is being illegally detained by respondents 1 & 2 against her free will.

2. The petitioner is working as Conductor in a private stage carriage. The alleged detainee is studying for "Cardiac Technician course" at Lissie Hospital, Ernakulam. It is stated that they got acquainted each other and the intimacy had developed into love. On 25-07-2015, both of them appeared before the Marriage Officer, Ramapuram and submitted a 'notice of intention of marriage' as per Ext.P1. On that day the alleged detainee went along with the

petitioner to his house at Kottayam. But the 3rd respondent had taken the alleged detainee into custody pursuant to a case registered based on a complaint lodged by respondents 1 & 2 with respect to missing of the alleged detainee. According to the petitioner, when the alleged detainee was taken into custody the respondents 1 & 2 have promised that they will allow the petitioner and the alleged detainee to solemnize the marriage on completion of statutory period of 30 days. But against the alleged promise the detainee is now kept under illegal confinement and she is not permitted to contact the petitioner, is the allegation. Based on the specific allegation that the alleged detainee is under illegal confinement against her free will, this writ petition is filed.

3. When the case came up for admission this court directed the 3rd respondent to conduct a discrete enquiry with respect to the alleged illegal detention. An independent statement of the alleged detainee was directed to be recorded by deputing a woman police officer, not in uniform. The statement was directed to be recorded not in the presence of any of the family members or others.

4. Today, when the case is taken up for consideration, the 3rd respondent had produced a statement of the alleged detainee recorded, along with a report. In the statement of the alleged detainee, it is mentioned that the petitioner is working as Conductor in a Bus in which she used to commute to the institute where she is studying. It is admitted that they got acquainted and the intimacy developed into love. When her parents came to know about the affair, they said that they will not agree for the marriage. Under such circumstances she went along with the petitioner and his friend on 25-07-2015 from the Lissie Hospital to the Marriage Registrar's Office at Ramapuram. After giving application for registration of the marriage they went to Pala and stayed in the house of one Sri. Tomy who is the uncle of the petitioner. But on the early morning on the next day, on 26-07-2015, the police came and brought her to Hill Palace Police Station, based on the case registered with respect to her missing. Subsequently she was produced before the Magistrate Court. The Magistrate permitted her to go along with respondents 1 & 2. It is

categorically mentioned by the alleged detainee that she is now staying happily along with respondents 1 & 2 and that nobody is detaining her or torturing her in any manner.

5. From the statement of the alleged detainee it is evident that she is not under any illegal detention against her free will, as alleged. Under such circumstances, we do not find any materials to invoke jurisdiction of this court for issuance of a writ of Habeas Corpus.

Therefore the writ petition deserves no merit and the same is accordingly dismissed.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge