

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(Crl.).No. 376 of 2015 (S)

PETITIONER:

**AJITHA,
AGED 40 YEARS, W/O.JAIN, P.T NIVAS, ADIVARAM
VAKKOM P.O, TRIVANDRUM DISTRICT PIN 695 308**

**BY ADVS.SRI.VAKKOM N.VIJAYAN
SMT.V.RENJU
SRI.P.ANIYAN**

RESPONDENTS:

- 1. THE SUPERINTENDENT OF POLICE
TRIVANDRUM RURAL, TRIVANDRUM, PIN 695 033**
 - 2. THE SUB-INSPECTOR OF POLICE,
KADAKKAVUR PIN 695 306**
 - 3. BINU
AGED 24 YEARS, S/O. ANITHA, ADAVINAKOM, ADIVARAM
VAKKOM P.O, TRIVANDRUM DISTRICT, PIN 695 308.**
- R1 TO R2 BY ADV. SRI. K.I. ABDUL RASHEED, ADGP &
ADV.SRI. P.S.ABDUL KAREEM, GOVT. PLEADER.
R3 BY ADV. SRI.AJITH MURALI**

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 04-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1 - TRUE PHOTOSTAT COPY OF THE PASSPORT OF ANJALI.

**EXHIBIT P2 - TRUE PHOTOSTAT COPY OF THE COMPLAINT FILED BY THE
PETITIONER'S HUSBAND BEFORE THE 2ND RESPONDENT
ON 20-08-2015.**

EXHIBIT P2(A) - ENGLISH TRANSLATION OF EXT.P2

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 376 OF 2015

DATED THIS THE 4th DAY OF SEPTEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is the mother of the alleged detainee, Miss.Anjali, who is aged 19 years. She is approaching this court seeking a writ of Habeas Corpus for directing production of Miss.Anjali, based on allegation that she is under illegal confinement of the 3rd respondent herein.

2. Averments in the writ petition are to the effect that, the petitioner and her husband are working in United Kingdom and they were residing there along with two daughters, including the alleged detainee. The family came to India in connection with the 'House Warming' ceremony, on 12-08-2015. The House Warming ceremony was on 17-08-2015. The elder daughter, Miss.Anjali is missing from the family house since 20-08-2015 onwards. Enquiries made by the petitioner revealed that the 3rd respondent had

induced her to go along with him, on the promise of marriage and is keeping the alleged detainee in his custody. It is stated that, based on a complaint lodged by the petitioner before the 2nd respondent, a case was registered as Crime No.1119/2015 of Kadakkavur Police Station under Section 57 of the Kerala Police Act, 2011. Alleging that despite furnishing of details about the 3rd respondent the 2nd respondent is not taking any effective steps to find out the missing girl and also alleging that the 3rd respondent is illegally detaining the alleged detainee against her free will, this writ petition is filed.

3. Pursuant to notice issued from this court the 3rd respondent appeared through counsel. He is personally present before this court and produced the alleged detainee, Miss. Anjali. When we interacted with the alleged detainee she said that she was in love with the 3rd respondent since the last more than 6 years and her parents are not agreeing for their marriage. According to her she went along with the 3rd respondent on 20-08-2015 on her own will. It is further

stated that a customary marriage under religious rites prevailing in Hindu community was conducted between the alleged detainee and the 3rd respondent on 23-08-2015 at 'Pariyaram Sree Dhanwandhari Kshethram', Nellikala, Pathanamthitta. A Certificate of Marriage issued from the said temple dated 23-08-2015 is produced for our perusal. The alleged detainee said that since 20-08-2015 onwards she is staying along with the 3rd respondent at various places in houses of the relatives of the 3rd respondent. She expressed her strong determination to go along with the 3rd respondent to lead a marital life with him. It is also said that steps for registration of the marriage under the Kerala Registration of Marriages (Common) Rules 2008 could not be pursued because the alleged detainee does not have any proof of identity with her. She alleges that her Passport is in the custody of the parents and they are not willing to hand over the same.

4. Learned counsel appearing for the petitioner submitted that the Passport of the alleged detainee is at

present in the custody of her father, who is in U.K. at present and that the same will be returned to her.

5. From the facts enumerated as above, we are convinced that there exists no illegal detention of the alleged detainee against her free will, as alleged. We take note of the valid marriage established between the alleged detainee and the 3rd respondent.

6. Under the above mentioned circumstances this writ petition is disposed of by setting the alleged detainee at liberty to go along with the 3rd respondent to lead a life with him 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