

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY**

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(Crl.).No. 379 of 2015 (S)

PETITIONER:

**RAMSHEED K.V, AGED 27 YEARS,
S/O. MUHAMMED KOYA K.V., KATTIL VALAPPU,
PUZHAKKADAVU, PARAMBU, BEYPORE P.O.,
KOZHIKODE DISTRICT.**

**BY ADVS. SRI. BINU GEORGE
SMT. HEMALATHA**

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF,
KOZHIKODE DISTRICT - 673 002.**
 - 2. THE STATION HOUSE OFFICER,
BEYPORE POLICE STATION, KOZHIKODE DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
 - 3. HARIS C.T., AGED 47 YEARS,
BAITHUL AYSHA, JAYANTHI ROAD, KOLATHARA,
NALLALAM P.O., KOZHIKODE DISTRICT - 673 027.**
 - 4. SIROS P.P., AGED 42 YEARS,
BAITHUL AYSHA, JAYANTHI ROAD, KOLATHARA,
NALLALAM P.O., KOZHIKODE DISTRICT - 673 027.**
- R1, R2 BY ADDL. DIRECTOR GENERAL OF PROSECUTION
SRI. K.L. ABDUL RASHEED.
R3, R4 BY ADV. SMT. BINDU GEORGE**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(Crl.).No. 379 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : A TRUE COPY OF MARRIAGE CERTIFICATE DATED 20.02.2015.

EXT. P2 : A TRUE COPY OF COMPLAINT DTD 21.08.2015.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

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**C.K. ABDUL REHIM, J.
&
SHAJI P. CHALY, J.**

W.P.(CrI). No. 379 of 2015

Dated this the 25th day of September, 2015

JUDGMENT

C.K. ABDUL REHIM, J.

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing for production of his wife Mrs. Shabana and to set her at liberty, based on the allegation that she is being illegally detained by her parents, who are the respondents 3 and 4 herein.

2. Averments are to the effect that, the petitioner had married the alleged detainee on 25.01.2015 as per religious rites and ceremonies. They were residing together in the house of the petitioner. The petitioner was employed in Gulf countries. After the marriage he returned to his work place on 20.06.2015. Thereafter the alleged detainee went to her parental house and stayed there for a couple of weeks. She had a miscarriage of pregnancy during that

time. It is stated that, the petitioner's mother and his brother went to the Hospital to bring back the alleged detainee. But the respondents 3 and 4 have not permitted them even to see the alleged detainee. At the same time, the alleged detainee was willing to go along with the petitioner's mother. But she was locked up in a room by the respondents 3 and 4, is the allegation.

3. It is stated that the petitioner's mother had lodged a complaint before the authorities at Nallalam police station, as per Ext.P2. But no effective action was taken. Therefore the petitioner came back on availing leave. He reached his native place on 31.08.2015. Eventhough he went to the house of respondents 3 and 4, he was not allowed to see the alleged detainee and to have any talk with her. Therefore, based on the allegation that the petitioner's wife is under illegal confinement of respondents 3 and 4 against her free will, this writ petition is filed.

4. Pursuant to notice issued from this court, the alleged detenue was produced by respondents 3 and 4 on 08.09.2015. On interaction with the alleged detenue and the petitioner, this court felt that the matrimonial disputes can possibility be settled through mediation. Therefore the case was referred to Ernakulam Mediation Centre on 08.09.2015 by directing the parties to appear before the Nodal Officer. But on 15.09.2015 it was reported that the attempts of mediation could not fetch any positive result.

5. Learned counsel appearing on both sides made an appealed to this court to have intervention for bringing out an amicable settlement through interaction with the parties. On our interaction it was agreed upon by the alleged detenue that she is willing to go along with the petitioner. The parties have agreed to sort out other issues and to report a satisfactory settlement before this court. Accordingly the alleged detenue was permitted to go along

with the petitioner on 15.09.2015 itself.

6. Today, when the case is taken up for further consideration, counsel on both sides submitted that eventhough the alleged detenue is now residing with petitioner at the matrimonial home, there exists difference of opinion between both the families with respect to various other issues. It is evident that no cordial relationship could be restored between the families and a smooth interaction between them is not possible even now. However, we are of the considered opinion that the remaining disputes between the family members need not be adjudicated as an issue, for a proper disposal of the case at hand.

7. It is evident that the alleged detenue, who is the wife of the petitioner, is now residing with the petitioner at her matrimonial home, since 15.09.2015 onwards, on her own wish and will. There is no case that she is under any illegal detention. Under such circumstances, this court of

the opinion that the above writ petition can be disposed of on the basis that she is not under any illegal confinement.

8. Since the alleged detainee had gone along with the petitioner on 15.09.2015 and is now residing with the petitioner at her matrimonial house, on her own will, the above writ petition is disposed of by setting her at liberty to reside along with the petitioner as husband and wife at the matrimonial home.

Sd/-
C.K. ABDUL REHIM
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE