

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 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(Crl.).No. 383 of 2015 (S)

PETITIONER(S)/PETITIONER:

AMEER C.A., AGED 25 YEARS
S/O.MYDEENKUTTY, CHARUVUKALLYIL HOUSE, KATTAPPANA.P.O
KATTAPPANA, IDUKKI DISTRICT.

BY ADV. SRI.P.M.HABEEB

RESPONDENT(S)/RESPONDENTS:

1. SUB INSPECTOR OF POLICE,
KALPAKANCHERRY POLICE STATION, MALAPPURAM, PIN-676551.

2. CIRCLE INSPECTOR OF POLICE,
KALPAKANCHERRY POLICE STATION, MALAPPURAM, PIN-676551.

3. SUPERINTENDENT OF POLICE,
(RURAL), MALAPPURAM-676505.

4. DIRECTOR GENERAL OF POLICE,
LAW AND ORDER, POLICE HEAD QUARTERS
THIRUVANANTHAPURAM-695001.

5. SUMESH,, AGED 30 YEARS
S/O.NARAYANAN, MUNNAMKUZHI, ALAKKAD
CHAVAKKAD-680506.

R1-R4 BY ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.K.I ABDUL RASHEED
R5 BY ADV. SRI.C.K.MOHANAN
BY GOVERNMENT PLEADER SRI.P.S ABDUL KAREEM

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.K.ABDUL REHIM & MARY JOSEPH, JJ.

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W.P(Crl.) No.383 of 2015

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Dated this the 1st day of October, 2015

JUDGMENT

Abdul Rehim, J.

The petitioner is the brother of a girl named 'Bismi' aged 22 years. He is approaching this court raising an allegation that his sister is under illegal detention of the 5th respondent. It is alleged that the petitioner's sister, Miss.Bismi was taken by her mother to her uncle's residence on 23.08.2015. But she was missing from there since 25.08.2015 onwards. On the basis of a complaint lodged by the petitioner's uncle, the 1st respondent had registered Crime No.878 of 2015 under Section 57 of the Kerala Police Act. But the petitioner got information to the effect that his sister was taken by the 5th respondent and his henchmen, and is being kept under illegal detention. It is also alleged that the 5th respondent and others are taking steps to convert the petitioner's sister forcefully to Hindu religion. Under such circumstances, alleging that the

petitioner's sister is under illegal confinement against her free will, this writ petition is filed seeking a writ of Habeas Corpus for directing production of the corpus of Miss.Bismi and to set her at liberty.

2. Pursuant to notice issued from this court the 5th respondent had produced the alleged detainee on 14.09.2015. When we interacted the alleged detainee admitted that she went along with 5th respondent on 25.08.2015 and was residing with him in a friend's house. It is also said that they have solemnized a marriage at a temple at Kanjiramattam, Thodupuzha. She also expressed her desire to go along with the 5th respondent. But noticing that there is no valid conversion of the alleged detainee or any valid marriage established between the alleged detainee and the 5th respondent, this court directed the alleged detainee to be admitted in a Hostel at Ernakulam. On the request of the 5th respondent, he was permitted to take steps to solemnize the marriage under the Special Marriage Act. The 5th respondent was permitted to initiate steps in this regard and to produce

receipt/acknowledgment regarding submission of the notice of intention of marriage before the Marriage Officer concerned.

3. Subsequently, on 22.09.2015, the 5th respondent had produced acknowledgment/receipt evidencing submission of the notice of intention of marriage on 15.09.2015. Accordingly this court permitted the alleged detinue to be produced before the Marriage Officer on 15.10.2015 for solemnization of the marriage. On that basis the case was adjourned to 16.10.2015. But learned counsel appearing for the petitioner made a motion before this court seeking posting of the case on today, on the basis that the alleged detinue had expressed her willingness to go along with the petitioner to her parental house. Therefore this court directed the alleged detinue to be produced on today.

4. The alleged detinue was produced before this court on today. When we interacted she expressed her desire and decision to go along with the petitioner to her parental house. According to her, at present she has not taken any final decision with respect to the continuance of any relationship with the 5th respondent or with respect to solemnizing the marriage under

the Special Marriage Act.

5. Under the above mentioned circumstances this court do not find any materials available to hold that the alleged detenue is under illegal confinement of anybody, at present. She is set at liberty to go along with the petitioner to her parental house, as per her desire expressed.

The writ petition is disposed of accordingly.

Sd/-
C.K .ABDUL REHIM, JUDGE

Sd/-
MARY JOSEPH, JUDGE

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