

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(Crl.).No. 387 of 2015 (S)

PETITIONER(S) :

**JIJU, AGED 24 YEARS,
S/O.RABI, THEKKEPUTHAN VEEDU, CHENKAL VILLAGE
VATTAVILA PO, NEYYATTINKARA, THIRUVANANTHAPURAM**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.M.RAJESH
SMT.P.SHEENA RAJAN
SMT.RESHMA G.MENON**

RESPONDENT(S) :

- 1. SUPERINTENDENT OF POLICE
KOLLAM DISTRICT - 691 001**
- 2. DEPUTY SUPERINTENDENT OF POLICE
CHAVARA, KOLLAM DISTRICT - 691 583**
- 3. CIRCLE INSPECTOR OF POLICE
CHAVARA, KOLLAM DISTRICT - 691 001**
- 4. SUB INSPECTOR OF POLICE
THEKKUMBHAGOM, KOLLAM - 691 319**
- 5. RAVEENDRAN
NANADANAM HOUSE, KOIVILA PO, KOLLAM 691 590**
- 6. SOBHA
W/O RAVEENDRAN OF DO-DO**
- 7. ANANDAKRISHNAN
S/O RAVEENDRAN OF DO-DO**

**R1-R4 BY ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.TOM JOSE PADINJAREKARA WITH GOVERNMENT PLEADER SRI.SHIBU JOSEPH**

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
14-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(Crl.).No. 387 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 : A TRUE COPY OF THE COMPLAINANT DT. 3/9/15 SUBMITTED
TO 4TH RESPONDENT**

**EXT.P2 : A COPY OF THE RECEIPT DT 4/9/15 ISSUED BY THE 4TH
RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

W.P.(Crl).No.387 of 2015

Dated this the 14th day of September, 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 Ms.Aparna.R.S.Nair, who is the daughter of respondents 5 and 6 and sister of the 7th respondent, and to set her at liberty, based on an allegation that the respondents 5 to 7 are illegally detaining her against her free will.

2. Averments in brief are to the effect that, while studying for B.Tech degree the petitioner and the alleged detainee came to know each other and their friendship developed into an ardent love and they have decided to get married each other, after obtaining employment. After completion of the course the petitioner got a job at Jamnagar in Gujarat and the alleged

detenue was working as a tutor in an institution named 'Career Launch' at Thiruvananthapuram. According to the petitioner, their relationship was informed to the parents of both the parties and initially the parents of the alleged detenue has agreed for the marriage. But in between, when the petitioner left to Gujarat, parents of the alleged detenue brought several other marriage proposals for Ms.Aparna.R.S.Nair. But she avoided such proposals. Under such circumstances the petitioner and the alleged detenue have decided to get married as per the Special Marriage Act, for which the petitioner came to Kerala under instructions of the alleged detenue. But, after knowing about the plan, the respondents 5 to 7 locked the alleged detenue in the house without allowing her to go anywhere, even for job. Based on an allegation that the alleged detenue is illegally confined against her free will, this writ petition is filed.

3. When the case came up for admission on 8.09.2015, this Court directed the 4th respondent to get an

independent statement of the alleged detainee recorded through a woman police officer deputed for the said purpose. It was directed to record such statement independently not in the presence of any of the family members of respondents 5 and 6.

4. Today, when the case is taken for consideration, a report of the 4th respondent enclosing the statement of the alleged detainee recorded as directed by this Court is produced, through the learned Additional Director General of Prosecution. In the said report submitted by the 4th respondent it is stated that, the petitioner had lodged a complaint before the Thekkumbhagom Police Station, Kollam, on 14.09.2015 alleging that respondents 5 to 7 are illegally confining the alleged detainee. At that time, the 4th respondent made personal enquiries and summoned the parties to the Station House and on finding that the allegation of illegal detention is false and that there is no love affair as alleged by the petitioner, the petition was disposed of.

5. The statement recorded from the alleged detenue, produced along with the report, would indicate that, the alleged detenue had emphatically denied that she was in love with the petitioner. According to her, the petitioner was a student of the same college where she had studied and they know each other. Apart from that, she does not know anything about the petitioner, is the statement. It is mentioned by the alleged detenue that, when the petitioner submitted a complaint before the Police Station the above facts were revealed and the police authorities have permitted her to go along with the parents. She do not know why the petitioner had again approached this Court by filing this writ petition.

6. It is clearly mentioned that the alleged detenue has no intimacy or love with the petitioner. According to the alleged detenue, she is inclined to marry any person found out by her parents. She expressed the view that she does not know why the petitioner is mentally torturing the alleged detenue in this manner.

She had categorically denied the allegation of illegal detention by her family members.

7. In view of the statement of the alleged detainee and in view of the circumstances revealed by the 4th respondent, this Court is convinced that the allegation raised by the petitioner regarding the illegal detention of the alleged detainee, is totally baseless and untrue. Hence this Court do not find any materials to invoke jurisdiction vested under Article 226 of the Constitution of India for issuing any writ of Habeas Corpus.

Accordingly, the writ petition fails and the same is hereby dismissed.

Sd/-
C.K.ABDUL REHIM,
JUDGE

Sd/-
MARY JOSEPH,
JUDGE

VS