

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(Crl.). No. 390 of 2015 (S)

PETITIONER:

**ANEESH T.C, AGED 25 YEARS,
S/O.THAKAYYAN, NADUTHOTTAM PUTHEN VEEDU, INCHIVILA,
PARASSALA P.O., PIN – 695 502.**

**BY ADVS. SRI. G.SUDHEER
SMT. N.PASHA**

RESPONDENT(S):

- 1. CIRCLE INSPECTOR OF POLICE,
PARASSALA CIRCLE, THIRUVANANTHAPURAM DISTRICT – 695 001.**
- 2. SUB INSPECTOR OF POLICE,
PARASSALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT – 695 001.**
- 3. HANEEFA.M.,
HANEEFA MANZIL, NADUTHOTTAM PUTHEN VEEDU, INCHIVILA,
PARASSALA P.O., THIRUVANANTHAPURAM DISTRICT, PIN – 695 502.**

**R1 & R2 BY SPECIAL GOVERNMENT PLEADER FOR WOMEN & CHILDREN
SMT. SREELATHA PARAMESWARAN**

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(Crl.).No. 390 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE LETTERS SENT TO PETITIONER BY
FARSHANA BEEVI @ VAVA.**

**EXHIBIT-P2: TRUE COPY OF PETITION SUBMITTED BY THE PETITIONER BEFORE
THE RESPONDENTS 1 AND 2 DATED 5.9.2015.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(CrI). No. 390 of 2015

Dated this the 15th day of September, 2015

JUDGMENT

MARY JOSEPH, J.

Petitioner has moved this Court seeking for an issuance of a writ of Habeas Corpus on the allegation that Farshana Beevi @ Vava, daughter of the 3rd respondent who was in affair with him has been detained by the 3rd respondent. It is averred in the writ petition as follows:

Petitioner and Farshana Beevi are neighbours and they fell in love. They desired to enter into marital relationship by registering their marriage as per the provisions of the Special Marriage Act on her attaining the age of majority. On learning about the affair of Farshana with the petitioner her family members including the 3rd respondent opposed the same on the reason of the petitioner being a member of a different community.

2. On 25.05.2015, the 3rd respondent came to know about the affair between the petitioner and his daughter Farshana and he threatened the petitioner with dire consequences. He took his daughter to some relative's house at Thiruvananthapuram and left her there against her will. On 19.08.2015 the alleged detinue rang up the petitioner over telephone and told him that the 3rd respondent is proposing to conduct her marriage with some other boy against her will. All the attempt of the petitioner to find out the place where the girl was detained was in vain. On 05.09.2015 petitioner submitted Ext.P2 petition before the 1st respondent, a copy of which is also served to the 2nd respondent, seeking to take measures to find out Farshana and to release her free from the illegal detention of the 3rd respondent. But all his effort turned futile on the inaction of respondents 1 and 2 in the matter. In the said circumstances, that the petitioner approached this Court

seeking for the issuance of a writ of Habeas Corpus under Article 226 of the Constitution of India.

3. The writ petition came up for admission on 09.09.2015. This Court has directed the 1st respondent to conduct a discreet enquiry into the alleged detention of Farshana Beevi @ Vava, the daughter of the 3rd respondent. We have also directed the 2nd respondent to get an independent statement of the girl recorded through a woman Police Officer out of presence of family members of the 3rd respondent or any other persons. Accordingly the statement was got recorded and produced before this Court when the matter is taken up on 15.09.2015.

4. The statement recorded the woman Police Officer is perused. The alleged detainee has stated to the woman Police Officer that she had been attending tuition class conducted by her neighbour one Bineesha. There she was acquainted with the petitioner who is the brother of her

tuition teacher and had fallen in love with him. The 3rd respondent came to know of the affair only when she completed the Plus Two class. Since herself and the petitioner belong to two different religion, she thought it is not proper to continue the affair and accordingly had withdrawn therefrom. She disclosed her decision to the petitioner. Thereafter, the petitioner started to disturb her in several ways. He had even gone to the extent of threatening her that if she leave his company, he would die. He had even gone to the extent of stating that he would go to any level to accomplish his desire to obtain her in marriage. Despite the intervention of her father and others, he continued his efforts. Therefore, she requested her parents to shift her stay to somewhere away from her residence. Accordingly she was admitted at Salsabil Arabi College, Venkidangu, Thrissur and she is continuing her studies there for the last two months. She stated

categorically that she was not under illegal detention and has no connection of any nature with the petitioner. She also expressed her desire to continue with the studies without being disturbed by the petitioner.

5. The allegation of the petitioner is that the alleged detainee is under the illegal detention of her father, the 3rd respondent is stoutly denied by her. Admittedly of her she had been in affair with the petitioner during the school days. But, that was relinquished by her on getting realised of the consequences. At present, what she desires is to complete her studies and for that she is staying away at a hostel associated with her college on her own volition.

6. This Court is convinced from her statement that she is neither under illegal detention of the respondent nor in confinement by him. The averments of the petitioner are not tenable and there is absolutely no merit in the petition and it is only to be dismissed.

In the result, this writ petition is dismissed. Parties shall bear their respective costs.

Sd/-
C.K. ABDUL REHIM
JUDGE

Sd/-
MARY JOSEPH
JUDGE

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