

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 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(Crl.).No. 394 of 2015 (S)

PETITIONER:

**ANIL KUMAR P.S.
AGED 26 YEARS, S/O.SUKUMARAN,
PUTHANPURAYIL HOUSE, PONNAM KAYAM P.O.
THIRUWAMBADI (VIZ), KOZHIKODE.**

**BY ADVS.SRI.S.M.PRASANTH
SMT.ASHA BABU
SRI.G.RENJITH**

RESPONDENTS:

- 1. CHACKO T.V.
AGED 60 YEARS, THEKKINEDATHU HOUSE,
ANKAMALY, KARUKUTTY PO
ERNAKULAM, KERALA 683 576.**
- 2. MERY CHACKO, W/O.CHACKO T.V, AGED 54 YEARS
THEKKINEDATHU HOUSE, ANKAMALY, KARUKUTTY PO
ERNAKULAM, KERALA 683 576.**
- 3. THE SUPERINTENDENT OF POLICE (RURAL), ALUVA**
- 4. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM - 695 001.**

**R1 & 2 BY ADVS. SMT.R.LEELA
SMT.MANJU PAUL
SMT.C.A.LINCY**

**R3 & 4 R5 BY ADV. SMT. SREELATHA PARAMESWARAN, (SPL. G.P. FOR WOMEN
AND CHILDREN)**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 22-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- THE TRUE COPY OF SSLC CERTIFICATE OF SIMI CACKO.**
- P2- TRUE COPY OF THE AGREEMENT DEED NO.7348/2015 ISSUED BY ARYA SAMAJ SECRETARY, CALICUT.**
- P3- THE TRUE COPY OF THE MARRIAGE CERTIFICATE.**
- P4- TRUE COPY CERTIFICATE ISSUED BY KOZHIKODE CORPORATION.**
- P5- TRUE COPY OF PHOTOGRAPH OF THE PETITIONER AND SIMI CHACKO TAKEN AT THE TIME OF THEIR MARRIAGE CEREMONY.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A To Judge

AMG

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

W.P (Crl.) No. 394 OF 2015

DATED THIS THE 22nd DAY OF SEPTEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court seeking writ of Habeas Corpus for directing production of Ms.Simi Chacko, the daughter of respondents 1 & 2, based on an allegation that she is being illegally detained by respondents 1 & 2 at some unknown place, against her free will.

2. Allegations in the writ petition is to the effect that, the petitioner had married the alleged detainee on 09-02-2015 at 'Arya Samaj Mandir' (Vedic Church), Calicut and they have started living together as man and wife. The alleged detainee was working as a Nurse at M.A.J. Hospital, Edapally and she was staying in the Hostel attached to the said Hospital. The petitioner was regularly contacting her through telephone. While so, the alleged detainee went to meet the respondents 1 & 2. But the said respondents have

detained her in their house at Karukutty and had taken her to different places in order to avoid any contact with the petitioner. It is alleged that, from 24-08-2015 onwards the alleged detainee is under illegal confinement of her parents, contrary to her wishes and that she was not permitted to go to work or to have any contact with the petitioner. The petitioner had produced Exts.P1 to P4 documents to show that the marriage as alleged above had taken place and to show that the marriage was got registered under the Kerala Registration of Marriages (Common) Rules, 2008.

3. Based on notice issued from this court, the respondents 1 & 2 entered appearance through counsel. They have produced the alleged detainee before this court on today. When we interacted with the alleged detainee, she had emphatically denied all the allegations of illegal confinement. According to her, the alleged marriage was conducted not on the basis of any proper information furnished to her. It is said that she was not made aware with respect to conversion of the religion. It is stated that she had already moved before the Family Court, Ernakulam

seeking for dissolution of the marriage. A case instituted in this regard as OP 1777/2015 is pending before that court, is the statement made. She expressed her desire to go along with respondents 1 & 2.

4. From the facts enumerated as above, this court is convinced that there exists no illegal confinement against free will of the alleged detainee, as alleged. Hence this court is of the opinion that there is no materials available to invoke jurisdiction vested under Article 226 of the Constitution of India for issuing any writ of Habeas Corpus. The parties are at liberty to sort out disputes if any based on the alleged marriage in appropriate proceedings before appropriate forum.

5. Hence the writ petition is disposed of by setting the alleged detainee at liberty to go along with respondents 1 & 2, as desired by her.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge