

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. 401 of 2015 (S)

PETITIONER:

**SREEMURUGHAN. S.M,
AGED 22 YEARS, 9/467(11/1768), AAYILYAM, AALLIYIL THARATTA
CHEMBAZHANTHU.P.O, THIRUVANANTHAPURAM-695587.**

**BY ADVS.SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY**

RESPONDENTS

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT POLICE CHIEF,
THIRUVANANTHAPURAM CITY, THIRUVANANTHAPURAM-695034.**
- 3. V.SABU,
V.P.1/1180, SURABHI, NEAR VAZHAYILA BRIDGE
THIRUVANANTHAPURAM, PEROORKADA, KERALA-695005.**

**R1 & R2 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
SRI.SHIBU JOSEPH, SR. GOVT. PLEADER**

R3 BY ADV. SRI.J.S.AJITHKUMAR

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

AMG

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - PHOTOCOPY OF THE AADHAR CARD OF SANJANA.J.S.**
- P2 - PHOTOCOPY OF THE ELECTION IDENTITY CARD OF THE PETITIONER.**
- P3 - TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 2ND RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 401 OF 2015

DATED THIS THE 25th DAY OF SEPTEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is a professional Photographer. He is approaching this court seeking release of the daughter of 3rd respondent, Miss. Sanjana J.S., who is alleged to have been illegally detained by the 3rd respondent and his family members.

2. It is stated that the petitioner had acquaintance with the alleged detainee, which subsequently developed into a deep attachment and love. The alleged detainee is studying for B.Tech course at Mar Baselious Engineering College, Thiruvananthapuram. Since it was decided by the petitioner and the alleged detainee to marry each other and to live together, Miss. Sanjana had left her house along with the petitioner on 15-09-2015. It is stated that they got married in front of a temple in the presence of the parents of the petitioner and some of his friends. But on 17-09-2015

the police authorities intimated that the petitioner and the alleged detenue should appear personally before the police station, because the 3rd respondent had instituted a complaint regarding missing of the alleged detenue. It is alleged that the police authorities had detained the petitioner at the station house and produced the alleged detenue before the Magistrate Court. It is mentioned that the alleged detenue had informed before the learned Magistrate that she wanted to go along with the petitioner. But the parents of the alleged detenue, in collusion with a lawyer who is their relative, had taken the alleged detenue forcefully into their custody. It is stated that the petitioner was put to wait in the police station till 9 O'clock in the night and thereafter he was allowed to leave the station, even without registering any case against him. Subsequently the petitioner got information from the alleged detenue that she is under illegal detention at the residence of the lawyer, who is a relative of the 3rd respondent. It is specifically alleging that the alleged

detenue is being illegally detained against her free will, this writ petition is filed seeking a writ of Habeas Corpus for directing her production and to set her at liberty.

3. Pursuant to notice issued from this court, the 3rd respondent appeared through counsel and filed counter affidavit. The alleged detenue is produced before this court on today. When we interacted with the alleged detenue, she said that she went along with the petitioner on 15-09-2015 on her own will. It is also stated that when she was produced before the Judicial First Class Magistrate, Thiruvananthapuram she expressed her desire to go along with the petitioner. But at that time neither the petitioner nor any relative of the petitioner was present before that court. Therefore her parents and relatives had taken her into the house of the 3rd respondent. She had categorically denied the allegation of any illegal detention. According to her, she wants to pursue her studies and to complete her B.Tech course. She said that she has not taken any final decision with respect to any marital relationship with the

petitioner. She expressed her desire to go along with the 3rd respondent at present and to stay at the parental house.

4. From the facts narrated as above it is evident that the alleged detainee, Miss. Sanjana is not under any illegal confinement as alleged in the writ petition. Therefore this court do not find any materials to invoke its jurisdiction vested under Article 226 for issuing any writ of Habeas Corpus.

5. Hence this writ petition is hereby dismissed. The alleged detainee is set at liberty to go along with the 3rd respondent to her parental house, as desired by her.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

SHAJI. P. CHALY, JUDGE.

AMG

True copy

P.A. to Judge