

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 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(Crl.).No. 405 of 2015 (S)

PETITIONER(S):

SIVAKUMAR. K.S.,
S/O.SKANTHAKUMAR M.G, KOTTAKUZHICKAL,
KURAVANKUZH P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.VINODKUMAR.

RESPONDENT(S):

1. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA- 689 645.
2. THE STATION HOUSE OFFICER,
KOIPURAM POLICE STATION,
PATHANAMTHITTA-689 645.
3. PRASAD, AGED AROUND 51 YEARS,
KAMALALAYAM, KURAVANKUZH P.O.,
PATHANAMTHITTA- 689 645.

R1 & R2 BY SRI.TOM JOSE PADINJAREKARA, ADDL. D.G.P.
SR. GOVT. PLEADER SRI.SHIBU JOSEPH.
R3 BY ADVS. SRI.C.S.MANU,
SRI.V.S.PREJITH.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

WP(Crl.).No. 405 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 29.05.2015.
- P2- TRUE COPY OF THE COMPLAINT BEFORE THE 1ST RESPONDENT DATED 07.09.2015.
- P3- TRUE COPY OF RECEIPT NO.1696 DATED 07.09.2015 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

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

W.P (Crl.) No. 405 OF 2015

DATED THIS THE 5th DAY OF OCTOBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of the corpus of his wife, Smt. Lakshmi Prasad and to set her at liberty, based on a allegation that she is being illegally detained by the 3rd respondent, who is her father.

2. Averments in the writ petition are to the effect that, the petitioner and the alleged detainee were in love for more than 3 years and they have solemnized a marriage under the Special Marriage Act before the Marriage Officer, Vennikulam, on 29-05-2015. Exhibit P1 is the Marriage Certificate produced. It is stated that, after the marriage the petitioner along with the alleged detainee went to the house of the 3rd respondent for getting his blessings. On that day the 3rd respondent had requested to let the alleged

detenue along with him, based on a promise that he is agreeable for conducting a customary marriage. Accordingly the alleged detenue stayed along with the 3rd respondent. On the basis of the promise made, it was agreed upon that the marriage could be conducted on 25-08-2015. The alleged detenue was in contact with the petitioner till 23-08-2015. But thereafter the mobile phone of the alleged detenue was turned off and the petitioner could not get access to her in any manner. It is alleged that the petitioner went to the house of the alleged detenue, but the 3rd respondent had objected his entry to the house. The 3rd respondent informed that he is not willing for the marriage. Eventhough the petitioner attempted to contact the alleged detenue and made enquiries, her whereabouts could not be traced out. It is alleged that the 3rd respondent had shifted the alleged detenue from the parental house and had kept her under illegal custody at some unknown places. Eventhough the petitioner had approached the police authorities under Exts.P2 & P3 complaints, the

respondents 1 & 2 have not taken any effective steps. Under the above mentioned circumstances this writ petition is filed seeking for release of the alleged detainee.

3. Pursuant to notice issued from this court, the 3rd respondent entered appearance through counsel and produced the alleged detainee before this court on today. When we interacted with the alleged detainee, she had conceded about the marriage registered as per Ext.P1. It is said that she had no cohabitation with the petitioner on the basis of the said marriage. According to the alleged detainee she is now living along with her parents and she had taken a decision not to continue the marital relationship with the petitioner. It is said that, a case seeking dissolution of the marriage has already been instituted at the Family Court, Thiruvalla, in which notice was already issued to the petitioner herein.

4. Under the above mentioned circumstances this court is convinced that the alleged detainee is not under any illegal confinement of the 3rd respondent or other family

members, as alleged. Hence there exist no circumstances warranting interference of this court for issuing any writ of Habeas Corpus.

5. Therefore the above writ petition is hereby dismissed. However, liberty of the parties to seek appropriate remedy with respect to the matrimonial relationship established on the basis of Ext.P1, will stand reserved.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge