

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 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(Crl.).No. 419 of 2015 (S)

PETITIONER(S) /PETITIONER:

LUKMANUL HAKEEM AGED 25 YEARS
S/O.USMAN, KAKKAD HOUSE, KUNNATHERI VEEDU
KODINCHI ROAD, CHEMMAD, TIRURANGADI P O
MALAPPURAM DISTRICT 676306

BY ADV. SRI.P.K.MOHAMED JAMEEL

RESPONDENT(S) /RESPONDENTS:

1. THE SUPERINTENDANT OF POLICE
MALAPPURAM DISTRICT 676505

2. SUB INSPECTOR OF POLICE
THIRURANGADI POLICE STATION, TIRURANGADI P O
MALAPPURAM DISTRICT 676306

3. ABDUL AZEEZ, AGED 50 YEARS
VALLIYANGAL HOUSE, CHANDAPPADI, TIRURANGADI P O
TIRURANGADI TALUK, MALAPPURAM DISTRICT 676306

4. SAINABA
W/O.ABDUL AZEEZ, VALLIYANGAL HOUSE, CHANDAPPADI
TIRURANGADI P O, TIRURANGADI TALUK
MALAPPURAM DIST-676306

R1&2 BY ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.K.I.ABDUL
RASHEED.

GOVERNMENT PLEADER SRI.P.S.ABDUL KAREEM.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 419 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1:-TRUE COPY OF THE BIRTH CERTIFICATE OF SHAHNA V

EXT.P2: THE TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF
SHAHNA V

/TRUE COPY/

P.S. TO JUDGE.

s1.

C.K.Abdul Rehim & Mary Joseph, JJ.

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W.P.(Crl.)No.419 of 2015

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Dated this the 13th day of October, 2015.

JUDGMENT

Abdul Rehim, J.

1. The petitioner has approached this court seeking a writ of Habeas Corpus for directing production of the corpus of Ms.Shahna V., the daughter of respondents 3 and 4 and to set her at liberty, based on an allegation that she is being illegally confined by respondents 3 and 4 against her free will.
2. Averments are to the effect that, the petitioner and the alleged detenue were in love for about two years and they have decided to solemnize their marriage and to live together, after the detenue attaining the age of majority. But, on 29.9.2015, the petitioner was

informed by the detenue that she is being detained by respondents 3 and 4. Since then, whereabouts of the alleged detenue is not known to the petitioner. Under such circumstances, alleging that the detenue is under illegal confinement, this writ petition is filed.

3. When the case came up for admission on 6.10.2015, we directed the second respondent to conduct a discreet enquiry regarding the allegation of illegal detention. An independent statement of the alleged detenue was directed to be recorded by deputing a woman police officer, not in uniform.
4. Today when the case is taken up, the second respondent has submitted a report enclosing statement of the alleged detenue recorded through a woman police officer deputed for the said purpose. In the statement of the alleged detenue it is mentioned that, while she was studying for +2 course she got acquainted with the petitioner, who is an Auto-driver available in the Auto Stand near to her college. But she stated that she had taken the intimacy only as an

affair during college time and that she was not serious about marrying the petitioner or about leading a life with him. It is stated that when the matter came to knowledge of her parents, she stopped her course on her own will. Since the last about four months she is not attending the college. After she discontinued her studies she had no connection with the petitioner and she is not intending to see him. The alleged detainee had categorically stated that she is agreeable for any marriage which will be proposed by her parents and that she will not act against their interest.

5. From the above said statement of the alleged detainee, this court is convinced that the allegation of illegal detention is totally baseless. It is evident that the alleged detainee is living with her parents on her own free will. She had categorically mentioned that she is not intending to continue any relationship with the petitioner.
6. Under the above mentioned circumstances, we are of the opinion that there exists no materials for invoking jurisdiction vested on this

court 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.

C.K.Abdul Rehim, Judge.

Mary Joseph, Judge.

sl.