

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(Crl.).No. 429 of 2015 (S)

PETITIONER(S) :

AJMAL.T.K AGED 26 YEARS
S/O.AHAMMEDKUTTY, KAZHUNGINTHODIKA HOUSE
ERANJHIKKODE P.O., KUNDUTHODE, EDAVANNA
MALAPPURAM PIN - 676 541

BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.M.M.VINOD KUMAR
SMT.K.M.RAMYA
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER

RESPONDENT(S) :

1. SURENDRAN
PARACHALIL HOUSE, KUTTIYADI, KOZHIKODE. PIN - 673 508.

2. STATION HOUSE OFFICER
KUTTIYADI POLICE STATION, KUTTIYADI - 673 508.

3. STATE OF KERALA
TO BE REPRESENTED BY SECRETARY, HOME DEPARTMENT
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.

R2,R3 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.TOM JOSE
PADINJAREKKARA.

R1 BY ADV. SRI.ASOK M.CHERIAN
R1 BY ADV. SRI.T.R.RENJITH
GOVERNMENT PLEADER SRI.SHIBU JOSEPH.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Cr1.).No. 429 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: COPY OF PHOTO OF PETITIONER WITH SRUTHI.
EXT.P-2: PHOTOCOPY OF THE WHATSAPP MESSAGE DATED 30.9.15
EXT.P-3: PHOTOCOPY OF THE WHATSAPP MESSAGE DATED 1.10.15
EXT.P-4: PHOTOCOPY OF THE WHATSAPP MESSAGE DATED 4.10.15

/TRUE COPY/

P.S. TO JUDGE.

s1.

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

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W.P.(Crl.)No.429 of 2015

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Dated this the 15th day of October, 2015.

JUDGMENT

Abdul Rehim, J.

1. This writ petition is instituted based on an allegation that the daughter of the 1st respondent, namely Sruthy P.C., is under illegal confinement. According to the petitioner, he got acquainted with Ms.Sruthy while they were studying together at the Press Academy, Kakkanad for P.G.Diploma course in Public Relations and Advertisement. Thereafter, Ms.Sruthy (hereinafter referred to as the alleged detainee) got a job in an Advertising Company at Vyttila, Ernakulam. The petitioner joined in an Event Management firm at Kadavanthara and worked there for six months. Thereafter he had started a firm of his own at Kadavanthara in Ernakulam. At present

he is employed as a Guest Teacher in Journalism at the Government Higher Secondary School, Edakkara, Nilambur. It is stated that the petitioner and the alleged detainee were in deep love. When their relationship came to the notice of the 1st respondent, he forced the alleged detainee to resign her job. It is mentioned that the petitioner had met the alleged detainee at Kozhikode at about one month back and thereafter they contacted through mobile phone and sent messages each other. It is mentioned that, from 29.9.2015 onwards the petitioner received various messages from the alleged detainee through the 'Whats App' stating that she is being physically tortured by her family members and is being illegally confined against her free will. Under such circumstances, the petitioner is seeking a writ of Habeas Corpus for directing production of the alleged detainee and to set her at liberty.

2. Pursuant to notice issued from this court, the 1st respondent appeared and produced the alleged detainee before this court on today. When we interacted, the alleged detainee said that the petitioner and herself were batchmates in the Press Academy at Kakkanad and they got

acquainted. But she had emphatically denied the allegation that she is under any illegal confinement at present, against her free will. According to her she has not taken any decision with respect to continuance of relationship with the petitioner. It is said that she is residing in the family with the 1st respondent and other members, on her own wish and will. She expressed to go back with the 1st respondent to her parental home.

3. Under the above mentioned circumstances, we are convinced that the allegation of illegal confinement is baseless. We find no materials to issue any writ of Habeas Corpus on the basis that the alleged detainee is under any illegal detention.

Consequently, the writ petition fails and the same is hereby dismissed.

C.K.Abdul Rehim, Judge.

Mary Joseph, Judge.

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