

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA**

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(Crl.).No. 437 of 2015 (S)

PETITIONER(S):

**SHABEER AGED 23 YEARS
SAMADH, VADIDINEPARAMBIL HOUSE, P.O.KUMARANALLOOR
ENGEKAD VILLAGE, WADAKKANCHERRY, TRICHUR -680 590.**

**BY ADVS.SRI.VINAY RAMDAS
SRI.VISHNUPRASAD NAIR**

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE, WADAKANCHERY POLICE STATION
TRICHUR DISTRICT. 680 582.**
- 2. CIRCLE INSPECTOR OF POLICE, WADAKKANCHERY,
TRICHUR DISTRICT - 680 582.**
- 3. SUPERINTENDENT OF POLICE
TRICHUR DISTRICT. 680 001.**
- 4. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 5. SHOBHA, AGED 45 YEARS
W/O.PURUSHOTHAMAN, VARIYAKANIKAL HOUSE, PUTHUPALLI
WAYANAD - 673 121.**
- 6. JINILAL, AGED 22 YEARS
S/O.PURUSHOTHAMAN, VARIYAKANIKAL HOUSE, PUTHUPALLI
WAYANAD - 672 121.**

**R5-R6 BY ADV. DR.GEORGE ABRAHAM
R1 TO R4 BY GOVERNMENT PLEADER JOBI.JOSEPH**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 06-11-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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WP(Crl.).No. 437 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: A COPY OF THE COMPLAINT MADE TO THE
SUPERINTENDENT OF POLICE TRICHUR DISTRICT IN THIS
REGARD.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

**P.R.RAMACHANDRA MENON
&
ANIL K.NARENDRA, JJ.**

W.P.(Crl.).No. 437 of 2015

Dated this the 6th day of November, 2015

JUDGMENT

P.R.RAMACHANDRA MENON, J.

This petition has been filed stating that the detinue is under the illegal custody of the respondents 5 and 6, who are the mother and elder brother of the detinue. The case projected by the petitioner is that he fell in love with the detinue and were interacting for the past 1^{1/2} years. The relationship as above, came to the notice of the respondents 5 and 6 who placed hurdle and based on the complaint preferred, she was forcefully taken by the Police and was left under the custody of respondents 5 and 6. It is stated that she was virtually prevented from contacting the petitioner in any manner and the very life of the detinue is in danger which made the petitioner to approach this Court by filing this petition.

2. When the matter came up for consideration before this Court earlier, a discreet enquiry was ordered

to be conducted and to produce the detenue before this Court. When the matter came for further consideration on 15.10.2015 the following order was passed.

“The 3rd respondent is directed to conduct a discrete enquiry with respect to the allegation of illegal confinement of Miss.Shitha Purushothaman, the daughter of 5th respondent and 6th respondent, through any responsible officer having jurisdiction in the locality where she is now residing. An independent statement of the alleged detenue shall be recorded by deputing a woman police officer, not in uniform. Such statement shall be recorded not in the presence of respondents 5 and 6 or any of their family members or others. A report regarding the enquiry, enclosing such statement if any recorded, shall be submitted to this Court through any officer authorised on that behalf.”

3. Pursuant to the above order, a woman police constable, not in uniform, approached the detenue and took her statement in writing (not in presence of the members of the family) on 22.10.2015 and the same has been produced before this Court along with a report of the concerned Sub Inspector of Police. After going through the said report, the matter was adjourned to be listed today and hence it has come up for further

consideration.

4. Today, the detenue is present before this Court voluntarily, accompanied by the 5th and 6th respondents. The petitioner and his mother are also present. We interacted with the detenue as well as her mother and elder brother. In the course of such proceedings, the detenue submitted that she was in love with the petitioner herein and that she wants to live with him after contracting a marriage in accordance with law. It is however added by the detenue that the 5th and 6th respondents who are the mother and elder brother respectively have in no manner misbehaved or assaulted her but for that they do not support the desire and wish of the detenue.

5. The point to be considered is whether the detenue is under 'illegal confinement' of anybody, warranting immediate interference by this Court. After hearing both the sides and after the interaction as aforesaid, this Court finds that the version of the petitioner that the detenue is in illegal custody of

respondents 5 and 6 is wrong and mis conceived. In the said circumstance, nothing further remains to be considered and the writ petition stands closed. However it is made clear that the respondents 5 and 6 shall in no way harass the detinue in any manner, but for making persuasive attempts to make the detinue understand the pros and cones; being the mother and brother respectively.

**Sd/-
P.R.RAMACHANDRA MENON
JUDGE**

**Sd/-
ANIL K. NARENDRAN
JUDGE**

//TRUE COPY//

PA TO JUDGE

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