

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(Crl.).No. 451 of 2015 (S)

PETITIONER(S):

**JAYALATHA,
W/O. SATHYAN, AGED 45 YEARS,
"SRUTHILAYAM", PATHIYOOR WEST
KEERIKKADU P.O., ALAPPUZHA DISTRICT-690 508.**

BY ADV. SRI.K.R.SUNIL

RESPONDENT(S):

- 1. DISTRICT POLICE CHIEF
ALAPPUZHA DISTRICT.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE
KAYAMKULAM, ALAPPUZHA DISTRICT.**
- 3. THE INSPECTOR OF POLICE
KAYAMKULAM POLICE STATION, KAYAMKULAM
ALAPPUZHA DISTRICT.**
- 4. THE SUB INSPECTOR OF POLICE
* KARIYILAKULANGARA POLICE STATION
ALAPPUZHA DISTRICT.**
- 5. SASIDHARAN , AGED 52 YEARS
FATHER'S NAME NOT KNOWN TO THE PETITIONER
PANAMPLAVIL HOUSE, PATHIYOOR EAST, KEERIKKADU P.O.
ALAPPUZHA DISTRICT-690 508.**
- 6. VARALEKSHMI , AGED 52 YEARS
W/O. SASIDHARAN, PANAMPLAVIL HOUSE, PATHIYOOR EAST
KEERIKKADU P.O., ALAPPUZHA DISTRICT-690 508.**

*** NAME OF THE POLICE STATION OF RESPONDENT NO.4 IS
CORRECTED AS KARIYILAKULANGARA POLICE STATION INSTEAD OF
KAYAMKULAM POLICE STAION AS PER ORDER DATED 30-10-2015 VIDE
I.A.NO.15808/2015
R1-R4 BY GOVERNMENT PLEADER ADV.SRI.SHIBU JOSEPH WITH
ADDL.DIRECTOR GENERAL OF PROSECUTION
ADV.SRI.TOM JOSE PADINJAREKKARA
R5 & 6 BY ADV. SRI.R.RAJASEKHARAN PILLAI**

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

WP(Crl.).No. 451 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT :P1 : THE TRUE PHOTOCOPY OF THE MARRIAGE CERTIFICATE
 VIDE. REGISTRATION NO.23/2014, DATED.22.1.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AVS

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

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W.P.(Criminal) No.451 of 2015

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Dated this, the 11th day of November, 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 Ms.Asha Lekshmi.V.S, who is the daughter of respondent Nos.5 and 6 and to set her at liberty, based on an allegation, that she is under illegal confinement of the respondent Nos.5 and 6.

2. The petitioner is the mother of Mr.Madhav Mandahas, who is at presently employed in Dubai. Averments are to the effect that Mr.Madhav Mandahas and the alleged detenu Ms.Asha Lekshmi.V.S, were in love and a marriage between them was solemnized as per the religious rites and ceremonies at the "Kalavamkodam Saktheeswaram Temple", Kalavamkodam, Vayalar East Village, Cherthala Taluk, Alappuzha district on 30-11-2013. The said marriage was registered under the Kerala Registration of Marriages (Common), Rules, 2008,

before the Local Registrar of Marriages (Common), Vayalar Grama Panchayat, on 22-01-2014. Ext.P1 is the certificate of marriage issued by the said authority. It is stated that the marriage was solemnized without informing the parents of the alleged detenu, because they agreeable for the marriage due to the fact that both the families belong to different castes. Even after the marriage the petitioner's son and the alleged detenu were living at their respective houses. Thereafter the son of the petitioner went to Dubai and the alleged detenu was working in a private firm at Ernakulam, as a Software Engineer. Recently, the respondents 5 and 6 came to know about the marriage. Immediately they have taken the alleged detenu from her place of work to their house and unlawfully detained her against her free will and wishes. It is on the basis of the specific allegation that the alleged detenu is now being illegally confined by the respondents 5 and 6, the above Writ petition is filed .

3. When the case came up for admission on 28-10-2015, this Court directed the 4th respondent to

conduct a discredit enquiry into the allegations of illegal confinement. An independent statement of the alleged detenu was directed to be recorded by deputing a woman police officer, not in uniform. Accordingly, a statement of the alleged detenu recorded by a woman police officer deputed for the said purpose was produced before the court. In the statement the alleged detenu had revealed that she had married Sri. Madhav Mandahas and the said marriage was kept secret from her parents. It is stated that she is now being confined forcefully at the parental house, without permitting her to contact her husband in any manner. Her certificates, identity proofs, pass books, ATM cards, diaries and phone were kept in custody of the parents. It is mentioned that she is being tortured mentally and physically by the parents in order to get rid of the relationship with Sri. Madhav Mandahas.

4. Based on the statement produced, this Court issued notice to respondents 5 and 6 and directed them to produce the alleged detenu before this Court. Today when the case is taken up, the respondents 5 and 6

appeared through counsel and produced the alleged detenu. When we interacted, the alleged detenu said that, she had completed B.Tech degree in Computer Engineering in the year 2013 and she was working in a private firm at Palarivattom at Ernakulam as a Software Engineer. She conceded about the marriage solemnized with the son of the petitioner on 30-11-2013 and about the registration of the said marriage. According to her, the factum of the marriage was kept secret from her parents, because she was under the impression that the parents may ultimately agree for the marriage and a ceremony of the marriage can be conducted with consent of both the families. But when her parents came to know about the marriage, they had forcefully taken her from Ernakulam, where she was staying in a Hostel. She is now kept confined in her parental house. She said that she was taken to various temples and compelled to take some liquid guise of some 'poojas' stating that she was induced to the relationship with the petitioner's son based on some 'black magic' conducted. According to her,

Mr.Madhav Mandahas was studying for B.Tech Degree. But subsequently he went for study of photography and is now employed in Dubai as a photographer. She said that his parents are willing to take her to the matrimonial home. She expressed her strong desire to go along with the petitioner and to lead a life in the matrimonial home of her husband. She had emphatically denied the suggestion made to go along with the her parents, till the husband reaches from Dubai.

5. From the circumstances narrated as above, we are convinced that a valid marriage has been established between the alleged detenu and the son of the petitioner as early as on 30-11-2013. The said marriage was also registered under the Kerala Registration of Marriages (Common) Rules, 2008, before the appropriate authority on 22-01-2014. It is the specific case of alleged detenu that she is being detained in her house against her free will and she expressed her strong determination to go along with the petitioner to the matrimonial house and to lead a life with Sri. Madhav

Mandahas, the petitioner's son. Hence it is convinced that the alleged detinue is at present under illegal detention and interference of this Court is required to release her from such detention.

Under the above mentioned circumstances, we order that the alleged detinue, Smt.Asha Lekshmi.V.S, who is personally present before this Court, be set at liberty to go along with the petitioner, as per her desire in order to live in the house of the petitioner as the wife of the petitioner's son.

Sd/-
C.K.ABDUL REHIM, JUDGE

Sd/-
MARY JOSEPH, JUDGE

AVS