

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 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(Crl.).No. 455 of 2015 (S)

PETITIONER:

**RAHUL,
AGED 23 YEARS, S/O.RAMACHANDRAN NAIR,
KORANDIPPALLI HOUSE, PATHIYOORKALA,
KEERIKKAD P.O.,ALAPPUZHA DISTRICT.**

BY ADV. SMT.S.L.SYLAJA

RESPONDENTS:

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM, PIN 695001.**
- 2. THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM, PIN 695001.**
- 3. THE SUPERINTENDENT OF POLICE
ALAPPUZHA, ALAPPUZHA DISTRICT, PIN 688001.**
- 4. THE SUB INSPECTOR OF POLICE
KAREELAKULANGARA POLICE STATION,
ALAPPUZHA DISTRICT, PIN 690572.**
- 5. THE SUB INSPECTOR OF POLICE
KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT, PIN 690502.**
- 6. PRASANNAKUMAR,
AGED 53 YEARS, S/O.VIJAYAVARMMA
THATTUPURAKKAL HOUSE (KAMALA VILASOM)
ERUVAKIZHAKKUM MURI, PATHIYOOR VILLAGE
ALAPPUZHA DISTRICT, PIN 690572.**

**7. REMADEVI, AGED 48 YEARS
W/O. PRASENNAKUMAR, THATTUPURAKKAL HOUSE
(KAMALA VILASOM), ERUVAKIZHAKKUM MURI
PATHIYOOR VILLAGE, ALAPPUZHA DISTRICT, PIN 690572.**

**R1 TO R5 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
SRI.SHIBU JOSEPH, SR. GOVT. PLEADER**

**R6 & 7 BY ADVS. SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SRI.S.VISHNU (ARIKKATTIL)
SRI.OMAR SALIM**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 09-11-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: ORIGINAL PHOTOS OF THE MARRIAGE SOLEMNIZED ON 16/10/2015 BETWEEN PETITIONER AND DETENUE.

EXHIBIT-P2: TRUE COPY OF SAKHSHIPATHRAM OF MARRIAGE DATED 16/10/2015 ISSUED BY THE KARMI OF THE KOCHUMADATHIL BHUVANESHWARI TEMPLE, KARUNAGAPPALLY, KOLLAM DISTRICT.

EXHIBIT-P3: TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER.

EXHIBIT-P4: TRUE COPY OF THE BIRTH CERTIFICATE OF THE DETENUE ISSUED FROM THE AMBALAPPUZHA SOUTH GRAMA PANCHAYAT.

EXHIBIT-P5: TRUE COPY OF THE COMPLAINT DATED 18/10/2015 SUBMITTED BEFORE THE 4TH RESPONDENT.

EXHIBIT-P6: TRUE COPY OF THE STATEMENT MADE BY THE DETENUE BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, CHENGANNUR.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (CrI.) No. 455 OF 2015

DATED THIS THE 9th DAY OF NOVEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner has approached this court seeking a writ of Habeas Corpus for directing production of the corpus of Ms.Vineetha P. Kumar @ Unnimaya, who is the daughter of respondents 6 & 7, and to set her at liberty to go along with the petitioner. Allegation is that, the petitioner is the husband of the alleged detainee since their marriage was solemnized on 16-10-2015 in the petitioner's house in the presence of an Astrologer. But the 6th respondent lodged a complaint before the 5th respondent and the petitioner along with the alleged detainee had appeared before the Magistrate's Court, Chenganoor on 17-10-2015. According to the petitioner, when the statement of the alleged detainee was recorded by the learned Magistrate, she expressed her desire to go along with the petitioner. But the respondents 6 to 7 threatened the petitioner and the alleged detainee was illegally taken into custody by the respondents 6 & 7. It is stated that the alleged detainee had informed the

petitioner over telephone that she is being illegally confined by respondents 6 & 7, against her free will. Hence this writ petition is filed.

2. Pursuant to notice issued from this court, the respondents 6 & 7 appeared through counsel and produced the alleged detainee on today. When we interacted, the alleged detainee said that she was in love with the petitioner since the last about 3 years. She conceded that a ceremony of marriage was conducted at the house of the petitioner on 16-10-2015. But according to her there was no proper and valid customary marriage solemnized as per religious rites and ceremonies. She had also conceded about the surrender before the Magistrate's Court and the statement recorded. However, she expressed the view that she is not intending to continue any relationship with the petitioner. According to her she was persuaded for the ceremony being conducted, based on a misrepresentation with respect to employment of the petitioner.

3. Copy of the statement of the alleged detainee recorded by the learned Magistrate was produced as Ext.P6 along with IA No.16218/2015 filed by the petitioner. It is true that, in the statement the alleged detainee had said that she is going along with the petitioner. But when we interacted with the alleged

detenue she had emphatically denied that she is under any illegal confinement of respondents 6 & 7.

4. Under the above mentioned circumstances this court is convinced that the alleged detenue is not under any illegal detention, as alleged. Hence there exists no circumstances warranting interference of this court to issue a writ of Habeas Corpus. Accordingly the above writ petition is hereby dismissed. The alleged detenue is permitted to go along with her parents, as desired by her.

5. We make it clear that the parties will be at liberty to seek appropriate remedy, if there exists any dispute with respect to the marital relationship.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge