

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 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(Cr1.).No. 469 of 2015 (S)

PETITIONER(S) :

JITHIN RAJ AGED 22 YEARS
S/O RAJU ALAPARAYIL HOUSE, PIRAMDAM, P.O
ERNAKULAM

BY ADVS.SRI.ABRAHAM P.GEORGE
SRI.K.VINODKUMAR (707/89)
SMT.M.SANTHY

RESPONDENT(S) :

1. CIRCLE INSPECTOR OF POLICE
PUTHENCROUZ, PUTHENCROUZ. PO-682 308

2. SUB INSPECTOR OF POLICE,
RAMANGALAM, RAMANGALAM P.O, 686 663

3. SUB INSPECTOR OF POLICE,
PUTHENCROUZ, PUTHENCROUZ. PO-682 308

4. JOHNY
VELLAMTHADATHIL HOUSE, RAMANGALAM.P.O
THAMMANIMATTOM-686 663
NOW RESIDING AT VELLAMTHADATHIL HOUSE, KOLENCHERRY
KOLENCHERRY P.O. 682 311

R1-R3 BY GOVERNMENT PLEADER SRI.P.S.ABDUL KAREEM WITH
ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.K.C.ABDUL RASHEED

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 469 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: THE PHOTOCOPY OF MARRIAGE CERTIFICATE DATED 19/9/15 BEFORE
THE SRO, PIRAVOM

EXT.P2: TRUE PHOTOCOPY OF COMPLAINT FILED BY THE PETITIONER BEFORE
THE S.I. OF POLICE, RAMAMANGALAM DATED 5/11/15

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

vdv

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

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W.P.(Cri.) No.469 of 2015

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Dated this the 24th day of November, 2015

JUDGMENT

Mary Joseph, J.

1. The petitioner has approached this court seeking for a writ of Habeas Corpus for the production of his wife named Josmy Mol who is under the illegal custody of the 4th respondent, who is none other than her father. The allegations in the writ petition are to the following effect:-
2. The petitioner and the alleged detainee were studying together for degree course at Nirmala College, Muvattupuzha. They fell in love with each other and have decided to marry. They informed their parents to obtain their consent in the matter of solemnization of marriage. The petitioner's family had given green signal for the marriage. But the 4th respondent, the father of the detainee was utter against the solemnization of her marriage with the petitioner, as he belongs to Hindu religion. Therefore, the petitioner and the alleged detainee decided to get married under the Special

Marriage Act and they submitted an application before the Sub Registrar Office, Piravam. After complying with all legal requirements the marriage between the petitioner and the alleged detainee was solemnized on 19.09.2015 under the provisions of the Special Marriage Act and Ext.P1 evidences the said marriage. The 4th respondent who was against the marriage has become arrogant on learning about the factum of marriage. Thereupon the studies of the alleged detainee was stopped then and there. The petitioner though tried to contact the alleged detainee over telephone all the efforts were in vain. He had gone to the house of the alleged detainee to see her personally and that was also not fructified. In the said circumstances, he lodged a complaint before the 2nd respondent against the 4th respondent stating about the factum of her illegal detention. The copy of the complaint is Ext.P2 appended with this writ petition. The complaint was not pursued with by the 2nd respondent and in the said circumstances that the petitioner has approached this court seeking the relief.

3. On 19.11.2015 when the writ petition came up for our consideration, the 4th respondent was directed to produce the alleged detainee before this court. Specific direction was also

given to respondents 1 to 3 to see that the alleged detainee is produced by the 4th respondent before this court.

4. This day, when the matter is taken up, the alleged detainee as well as the 4th respondent were personally present before this court.

5. We had interaction with the alleged detainee. According to her, she is attending Fashion Designing Course after finishing her Degree course. She got acquaintance with the petitioner while doing her Degree in the year 2011. The alleged detainee conceded the factum of solemnization of her marriage with the petitioner under the provisions of the Special Marriage Act. According to her, the said marriage was solemnized solely for the purpose of avoiding other marriage proposals from her parents and at no point of time, she has resided with the petitioner. It is submitted by her that when the parents came to know about the solemnization of her marriage with the petitioner, they restrained her from going outside and attending the Fashion Designing Course. However, she expressed her strong determination to pursue with the Fashion Designing Course and not to accompany the petitioner.

6. The interaction we had with the alleged detainee, reveals that she

is not under illegal detention of the 4th respondent as alleged by the petitioner in the writ petition. In the said circumstances, the alleged detainee is permitted to go along with the 4th respondent and to pursue with her studies as desired by her.

7. The writ petition is disposed of accordingly.

Sd/-
C.K .ABDUL REHIM, JUDGE

Sd/-
MARY JOSEPH, JUDGE

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