

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(Cr1.).No. 473 of 2015 (S)

PETITIONER(S)/PETITIONER:

RAJAN P.R, AGED 46 YEARS
S/O.RAGHAVAN, PANDIMAKKAL(H), P.O.KOLAYAD
KANNUR(DT.).

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S)/RESPONDENTS:

1. SHALU DAS,, AGED 25 YEARS
S/.DASAN, PUTHANPURAKKAL, "SREESHYLA"
P.O.VENGAD, AYYAPPANTHODU, KUTHUPARAMBA
KANNUR DISTRICT-670101.

2. DASAN PUTHANPURAKKAL,
RESIDING -DO-

3. SHYLAJA PUTHANPURAKKAL,
RESIDING -DO-

4. SUB INSPECTOR OF POLICE,
PERAVOOR POLICE STATION, KANNUR(DT.)PIN-670101.

5. SUB INSPECTOR OF POLICE,
KUTHUPARAMBA POLICE STATION, KANNUR(DT), PIN-670001.

6. DISTRICT POLICE CHIEF,
KANNUR-670001.

7. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HOME AFFAIRS, SECRETARIAT
THIRUVANANTHAPURAM-695001.

R2-R3	BY ADV. SRI.K.V.PAVITHRAN
R2-R3	BY ADV. SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
R2-R3	BY ADV. SRI.P.SAJU
R2-R3	BY ADV. SRI.NIAS MOOPAN
R2-R3	BY ADV. SRI.E.M.UNNIKRISHNAN (MANJERI)
R4 TO R7	BY GOVERNMENT PLEADER SRI. EGY N ELIAS

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 473 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS : NIL

P1 TRUE COPY OF THE F.I.R.IN CRIME NO.663/2015 OF PERAVOOR POLICE
STATION.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON & ANIL K. NARENDRAN, JJ.

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**W.P.(Crl.)No.473 of 2015**

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Dated, this the 25th day of November, 2015

JUDGMENT

Anil K. Narendran, J.

The petitioner has approached this Court in this Writ Petition, seeking a writ of habeas corpus directing production of the body of the alleged detainee Rakhi Raj, the daughter of the petitioner, who is stated to be under the illegal custody of respondents 1 to 3 and to set her at liberty.

2. The averments in the Writ Petition are to the effect that, the petitioner's daughter Rakhi Raj, aged 19 years, a First Year B.Com student at Pragathi College, Paravoor is found missing since 13.11.2015. The petitioner's son filed a complaint before the 4th respondent and the Police registered Crime No.663/2015 of Paravoor Police Station, under Section 57 of the Kerala Police Act, 2011, as evidenced by Ext.P1 copy of FIR. It is alleged in the Writ Petition that, the 1st respondent and his men forcefully took away Rakhi Raj against her will and she is now under their illegal custody. Respondents 2 and 3 are the parents of the 1st respondent.

3. By order dated 20.11.2012, this Court issued notice to respondents 1 to 3 through special messenger and they were directed to produce the alleged detainee before this Court, if she is available in

their custody. The 4th respondent was also directed to submit a report with respect to the progress of investigation of Crime No. 663/2015 and also to trace out and produce the alleged detainee before this Court.

4. Today, when the case was taken up for consideration, the alleged detainee was personally present in Court. A statement has also been filed by the 4th respondent stating that, on investigation it was found that the petitioner's daughter eloped with the 1st respondent who is aged 25 years, and they got married on 13.11.2015, at Ramapuram Siva-vishnu Temple, Nirmalagiri. The 4th respondent has also stated that, the 1st respondent is one of the accused persons in the attempt to commit murder of the Inspector of Police, Kuthuparamba in respect of which Crime No.2010/15 of Kuthuparamba Police Station has already been registered under Sections 143, 147, 148, 341, 353 and 307 read with Section 149 of the IPC and Section 3(1) of the PDPP Act. The investigation in the said crime is going on and the 1st respondent is absconding from his residence in order to evade arrest.

5. We interacted with the alleged detainee who was personally present in Court. The alleged detainee has stated that, she is not under illegal custody of respondents 1 to 3 and that, her marriage with the 1st respondent was solemnised on 13.11.2015, at Ramapuram Siva-vishnu Temple, Nirmalagiri. The learned counsel

for the 2nd and 3rd respondents has also made available for perusal of this Court, copy of the marriage certificate dated 13.11.2015 issued by Ramapuram Siva-Vishnu Temple, Nirmalagiri and also copy of the certificate of registration of marriage dated 16.11.2015 issued by the Local Registrar of Marriage (Common), Mangattidam Grama Panchayat, Nirmalagiri, under Rule 11(1) of the Kerala Registration of Marriage (Common) Rules, 2008.

6. As requested by the learned counsel for the petitioner, the petitioner who was personally present in Court was also given an opportunity to interact with the alleged detainee. Thereafter, we again interacted with the alleged detainee, who reiterated that, she is not under illegal custody of respondents 1 to 3 and she does not want to go back with her parents.

Considering the facts and circumstances as mentioned above, we find that Rakhi Raj, the alleged detainee, is not under illegal custody of respondents 1 to 3. In such circumstances, the Writ Petition fails and the same is dismissed. No order as to costs.

sd/-

**P. R. RAMACHANDRA MENON,
JUDGE**

sd/-

**ANIL K. NARENDRA,
JUDGE**

kmd

/True copy/

P.A. to Judge