

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 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(Crl.).No. 475 of 2015 (S)

PETITIONER:

**KRISHNAN,
AGED 51 YEARS, S/O.CHANDHAN, KANATHIL HOUSE, PANDRANDIL
MAVILA KADAPPURAM PO, PADANNA (VIA), CHERUVATHOOR
KASARGOD DIST.**

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE
CHANDHERA POLICE STATION, KASARGOD DIST., PIN - 671 016.**
- 2. THE CIRCLE INSPECTOR OF POLICE
NEELESWARAM, KASARGOD DIST. PIN - 671 016.**
- 3. THE SUPERINTENDANT OF POLICE
KASARGOD DIST. PIN -**
- 4. THE DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEAD QUARTERS, TRIVANDRUM - 695 001.**
- 5. JUBRIYA T.P.
D/O. LATE MAMMOOTTY HAJI, AGED 29, KUNNATHU HOUSE
PANDRANDIL, MAVILA KADAPPURAM P.O
PADANNA (VIA) CHERUVATHOOR, KASARGOD DIST., PIN - 671 026.**
- 6. AZAD T.P.
S/O.LATE MAMMOOTTY HAJI, AGED 42, KUNNATHU HOUSE
PANDRANDIL, MAVILA KADAPPURAM P.O
PADANNA (VIA) CHERUVATHOOR, KASARGOD DIST., PIN - 671 026.**
- 7. SEREENA
W/O.AZAD T.P., AGED 36, KUNNATHU HOUSE
PANDRANDIL, MAVILA KADAPPURAM P.O
PADANNA (VIA) CHERUVATHOOR, KASARGOD DIST., PIN - 671 026.**

**R1 TO R4 BY ADV. SRI. TOM JOSE PADINJAREKKARA, ADGP &
SRI.SHIBU JOSEPH, SR. GOVT. PLEADER**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 01-12-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

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

W.P (Crl.) No. 475 OF 2015

DATED THIS THE 1st DAY OF DECEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Father of a person named 'Kripesh' aged 29 years, is the petitioner herein. The above writ petition is filed by raising an allegation that the petitioner's son (herein after referred to as the alleged detainee) is under illegal confinement of respondents 5 to 7. It is stated that on 06-11-2015 the alleged detainee had gone out from his house stating that he is going to Palakkad, but thereafter he has not returned to home. On 08-11-2015 the petitioner came to know that the 5th respondent is also missing along with the alleged detainee, along with her younger daughter aged 6 months. According to the petitioner the alleged detainee was enticed and taken away forcibly by respondents 5 to 7 under compulsion, duress and threat, with an intention to force him to marry the 5th respondent against his free will and wish. It is mentioned that, based on a complaint lodged by the petitioner, the 1st respondent had registered a case as Crime No.765/2015 under Section 57 of the Kerala Police Act. Alleging that no

effective steps are being taken to trace out the alleged detainee and also alleging that the respondents 5 to 7 are keeping the alleged detainee under illegal confinement against his free will, the petitioner is seeking a writ of Habeas Corpus for directing production of the alleged detainee and to set him at liberty.

2. Based on notice issued from this court and based on the directions issued to the 1st respondent, the alleged detainee is produced before us on today. Learned Government Pleader appearing for respondents 1 to 5 submitted that, the alleged detainee and the 5th respondent were traced out from Velloor in Tamil Nadu State along with the child of the 5th respondent, on 29-11-2015. It is further submitted that the 5th respondent along with the child was produced before the Judicial First Class Magistrate Court-I, Hosdurg on 30-11-2015 and the learned Magistrate had set the 5th respondent freed to go to her house, and the alleged detainee was directed to be produced before this court.

3. When we interacted with the alleged detainee, he conceded that he was roaming at different places in Tamil Nadu, along with the 5th respondent and her child, from 06-11-2015 onwards. According to him he went along with the 5th

respondent voluntarily. He had refuted the allegation that he is under illegal detention. He expressed willingness to go along with the petitioner.

4. Under the above mentioned circumstances this court is convinced that there exist no circumstances to presume that the alleged detainee is under illegal confinement in any manner. Hence the above writ petition deserves no merit for issuance of any writ of Habeas of Corpus.

5. Therefore, the writ petition is hereby closed by setting the alleged detainee at liberty.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge