

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 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WP(Cr1.).No. 487 of 2015 (S)

PETITIONER:

PRAVEEN V.S. AGED 26 YEARS
S/O. SASIDHARAN NAIR, CHITHRALAYAM, MUNDAKKAL
MURUKKUMPUZHA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE,
ELOOR POLICE STATION, ERNAKULAM DISTRICT - 683 501.

2. JOSEPH,
PARAKKADAVIL HOUSE, MANJUMMEL P.O.
ERNAKULAM - 683 501.

R1 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION

R2 BY ADV. SRI.R.SANJITH

R2 BY ADV. SMT.C.S.SINDHU KRISHNAH

R1 BY GOVERNMENT PLEADER SRI. FGKY N.ELIAS

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
14-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Cr1.).No. 487 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1-TRUE COPY OF THE PHOTOGRAPH OF THE PETITIONER TOGETHER WITH THE
DETENU.

RESPONDENT(S) ' EXHIBITS :NIL

TRUE COPY

P.S. TO JUDGE

AL/-

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

W.P.(Crl.) No.487 of 2015

Dated this the 14th day of December, 2015

JUDGMENT

C.K.Abdul Rehim J.

The petitioner is approaching this Court seeking a writ of habeas corpus for production of the corpus of Ms.Anju Joseph who is the daughter of the 2nd respondent, based on an allegation that she is under illegal confinement of the 2nd respondent. Averments are to the effect that, the petitioner and Ms.Anju Joseph (hereinafter referred to as the alleged detainee) were studying in the same college at Tirunelveli in Tamil Nadu and they got acquainted each other, which later developed into a deep love. After both of them have completed their course, the petitioner is now working as a Software Engineer in a Company at Techno Park, Thiruvananthapuram. The detainee is remaining unemployed. Since the petitioner belongs to Hindu community and the alleged detainee is a Christian, parents of the alleged detainee were against their relationship. It is stated that the parents of the alleged detainee were trying to arrange another marriage for her, without her consent. Even though the family members of the petitioner had approached the 2nd respondent and expressed willingness to marry the

alleged detainee, they were insulted and pushed out of the house. It is alleged that the 2nd respondent had not even permitted the petitioner to see the alleged detainee. It is on the basis of a specific allegation that the 2nd respondent is wrongfully and illegally detaining the alleged detainee against her free will, above writ petition is filed.

2. When the case came up for admission on 30.11.2015, this Court directed the 1st respondent to conduct a discreet enquiry into the allegations of the illegal confinement of the alleged detainee. It was specifically directed that an independent statement of the alleged detainee shall be recorded and produced before this Court. Accordingly, a statement of the alleged detainee recorded by the police authorities was produced before this Court on 8.12.2015. In her statement it was mentioned that she is not permitted to go out of the house and she is also not permitted to seek any employment or to contact any of her friends. She had expressed her desire to marry the petitioner.

3. After perusal of the statement of the alleged detainee, this Court directed the 2nd respondent to produce the alleged detainee before this Court. Accordingly, the alleged detainee was produced on 10.12.2015. When we interacted, the alleged detainee expressed her strong determination to marry the petitioner and to lead a life with him. She complained of that the 2nd respondent and other family members are not

permitting her to seek employment anywhere or to go out of the house. According to her, she is willing to solemnize a marriage under the Special Marriage Act, as desired by the petitioner. On interaction with the 2nd respondent, he expressed his willingness to agree for the marriage of his daughter with the petitioner, provided they will wait till the end of March 2016. He had promised to file an affidavit before this Court expressing such undertaking. On that basis, the alleged detainee had agreed to go along with 2nd respondent and to stay in her parental house.

4. Today, the 2nd respondent had filed an affidavit with an undertaking that he will initiate proceeding for registration of the marriage between the alleged detainee and the petitioner, in accordance with their wish, under the Special Marriage Act, during the first week of March 2016. On the basis of the undertakings made by the 2nd respondent, the alleged detainee had agreed to go along with the 2nd respondent to continue her stay in the parental house till a valid marriage is solemnized under the Special Marriage Act during March 2016. On the request of the petitioner, it is agreed upon by the 2nd respondent that he will not prevent the alleged detainee from maintaining contact with the petitioner over telephone.

Under the above mentioned circumstances, the above writ petition

is hereby closed by observing that the alleged detainee is not under illegal confinement, at present. The parties will be at liberty to seek appropriate remedy if circumstances warrants for any such action on a subsequent stage.

Sd/-

C.K.Abdul Rehim, Judge

Sd/-

Mary Joseph, Judge

al/-

True copy

P.S to Judge

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

W.P.(Crl.) No.487 of 2015

Dated this the 10th day of December, 2015

ORDER

C.K.Abdul Rehim J.

The second respondent entered appearance and produced the alleged

detenue before this Court. When we interacted, the alleged detenue expressed her strong determination to marry the petitioner and to lead life with him. She complained that the 2nd respondent and other family members are not permitting her to seek employment any where or to go out of the house. She said that she is prepared to solemnize a marriage under the Special Marriage Act as desired by the petitioner.

On interaction with the 2nd respondent, it is stated that he is prepared to agree with the marriage of his daughter with the petitioner, provided they will wait till the end of March 2016. It is said that he will file an affidavit to the extent of the above said undertaking. The alleged detenue also seems to be agreeable for such a course. Hence the case is adjourned to 14.12.2015 for filing the affidavit of the 2nd respondent. The petitioner, alleged detenue and the 2nd respondent shall be personally present on the said date.

C.K.Abdul Rehim, Judge

Mary Joseph, Judge

al/-