

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 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(Crl.).No. 489 of 2015 (S)

PETITIONER:

**RENJITH R.,
S/O. REGHU,
KANNANKARA KIZHAKKATHIL, TMN-118
THIRUMULLAVARAM P.O., KOLLAM - 691 012.**

**BY ADVS.SRI.B.MOHANLAL
SRI.MANSOOR ALI**

RESPONDENTS:

- 1. THE STATE POLICE CHIEF,
POLICE HEADQUARTS, VAZHUTHACAUD P.O.
THIRUVANANTHAPURAM-695014.**
- 2. THE CITY POLICE COMMISSIONER,
KOLLAM CITY, POLICE DISTRICT HEAD QUARTERS
KOLLAM- 691 001.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
KOLLAM WEST, CUTCHERY P.O., KOLLAM - 691 013.**
- 4. THE STATION HOUSE OFFICER,
KOLLAM WEST POLICE STATION, CUTCHERY P.O.
KOLLAM - 691 013.**
- 5. ANIL,
S/O. MANIYAN PILLAI, CHITTAZHATHU VEEDU
THIRUMULLUVARAM P.O., KOLLAM - 691 012.**

**R1 TO R4 BY ADV. SRI. K.I. ABDUL RASHEED, ADGP &
ADV.SRI. P.S.ABDUL KAREEM, GOVT. PLEADER.**

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

WP(Crl.).No. 489 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1- TRUE COPY OF THE COMPLAINT DATED 27/11/2015 FILED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (CrI.) No. 489 OF 2015

DATED THIS THE 8th DAY OF DECEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court seeking a writ of Habeas Corpus for directing production of Miss. Lekshmi, with whom he is allegedly in love. Allegation in the writ petition is that, Miss. Lekshmi (hereinafter referred to as the alleged detainee) is under illegal confinement of the 5th respondent, who is her uncle, against her free will. It is stated that the petitioner and the alleged detainee were in love for the last so many years and they have decided to live together as husband and wife under matrimony. The petitioner was taking steps to solemnize a marriage under the Hindu rites and ceremonies, and on coming to know about the same the 5th respondent and the parents of the alleged detainee made an assurance to conduct a marriage. They took the alleged detainee from the petitioner based on

such a promise. But thereafter they have concealed her under confinement. It is stated that she pleaded for rescue from the confinement. Eventhough the petitioner had submitted a complaint before the 4th respondent, no effective steps were taken to secure liberty of the alleged detainee. Hence the petitioner is approaching this court seeking for release of the alleged detainee.

2. When the writ petition came up for admission on 01-12-2015, we directed the 4th respondent to conduct a discreet enquiry regarding the allegation of illegal confinement and to obtain an independent statement of the alleged detainee recorded, by deputing a woman police officer for the said purpose. Today, when the matter is taken up, the 4th respondent had submitted a report enclosing a statement of the alleged detainee recorded. In the statement the alleged detainee had mentioned that she got acquainted with the petitioner since last few months and there developed intimacy among them. It is also conceded that there was a decision to conduct a register marriage between them. But subsequently, based on

enquiry conducted by the parents of the alleged detainee, it was revealed that the petitioner is not a man of good conduct and integrity. Hence she had decided to withdraw from the relationship. It is categorically mentioned that, the parents or anybody else had not caused any harassment or torture on the alleged detainee and that she is not under any any illegal confinement in any manner. It is stated that, at present she is not attending her studies. But she is intending to continue her studies within a short time.

3. From the statement of the alleged detainee it is evident that she is not under any illegal confinement, as alleged in the writ petition. Hence this court is convinced that there exists no circumstances warranting interference for issuance of any writ of Habeas Corpus.

4. Therefore this writ petition fails and the same is hereby dismissed.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge