

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 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(Crl.).No. 495 of 2015 (S)

PETITIONER(S)/PETITIONER:

BIJU.J, AGED 53 YEARS, S/O.JANARDHANAN,
"IDASSERI VEEDU", 12 NURI NAGAR 58 A
THATTAMALA.P.O, KOLLAM DISTRICT.

BY ADVS.SRI.M.KIRANLAL
SRI.V.PREEJO PAULY

RESPONDENT(S)/RESPONDENTS:

1. THE DIRECTOR GENERAL OF POLICE
KERALA STATE(LAW AND ORDER)POLICE HEAD QUARTERS
THIRUVANANTHAPURAM-695001.
2. THE DISTRICT POLICE CHIEF/COMMISSIONER OF POLICE,
KOLLAM DISTRICT-691001.
3. THE SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION-691011.
4. NAZARUDDIN,, AGED 60 YEARS
(FATHER'S NAME NOT KNOWN TO THE PETITIONER)NIHAS MANZIL
AKKOLIL, KOOTTIKKADA.P.O, KOLLAM DISTRICT-691020.
5. NIHAS, AGED 20 YEARS, S/O NAZARUDDIN,
NIHAS MANZIL, AKKOLIL, KOOTTIKKADA.P.O
KOLLAM DISTRICT 691 020

R1-3 BY GOVERNMENT PLEADER SRI.SHIBU JOSEPH WITH
ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.TOM JOSE PADINJAREKKARA
R4 BY ADV. SRI.NAGARAJ NARAYANAN
R4 BY ADV. SRI.SAIJO HASSAN
R4 BY ADV. SRI.PRATHAP PILLAI
R4 BY ADV. SRI.SEBIN THOMAS

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(Crl.).No. 495 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|---------------|--|
| EXT.P1 | TRUE COPY OF THE FIR IN CRIME 2051/2015 OF ERAVIPURAM POLICE STATION |
| EXT.P2 | TRUE COPY OF THE PETITIONER'S DAUGHTER'S TEMPORARY IDENTITY CARD ISSUED FROM THE COLLEGE. |
| EXT.P3 | A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE DOCTOR DATED 8.12.2015 |
| EXT.P4 | A TRUE COPY OF THE MEDICINES PRESCRIBED BY THE CONSULTANT PSYCHIATRIST DOCTOR |
| EXT.P5 | A TRUE COPY OF THE TREATMENT CERTIFICATE ISSUED FROM THE TRAVANCORE MEDICAL COLLEGE, KOLLAM WITH REGARD TO THE TREATMENT OF NIRNAYA BIJU DATED 11.12.2015 |

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

W.P.(Crl) No.495 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

C.K.Abdul Rehim, J.

Father of a girl named Nirnaya, aged 18 years, is the petitioner herein. He is seeking a writ of Habeas Corpus for directing production of the corpus of Ms.Nirnaya (hereinafter referred as the alleged detainee) based on a specific allegation that she is being illegally detained by respondents 4 and 5.

2. Averments are to the effect that, the alleged detainee was undergoing her first year degree course at S.N.College for Women, Kollam. The 5th respondent is working as a Salesman in a shop near to the residence of the petitioner. On 03.12.2015 the alleged detainee had left her home to the College at about 8.30.A.M. But she did not

returned home. On the basis of a complaint lodged by the petitioner, a crime was registered by the 3rd respondent as per Ext.P1, under Section 57 of the Kerala Police Act. It is alleged that the respondents 4 and 5 are taking advantage of the tender age of the alleged detainee and is making attempt to convert her to Muslim religion, against her free will. It is also alleged that she is being detained at some unknown places against her free will.

3. Pursuant to notice issued from this Court, the respondents 4 and 5 have entered appearance through counsel. Learned Government Pleader appearing on behalf of respondents 1 to 3 submitted that, based on Ext.P1 case registered, the alleged detainee was taken into custody on 19.12.2015 and she was produced before the Judicial First Class Magistrate Court-II, Kollam. Since there was an order issued by this Court for directing production of the alleged detainee, the learned Magistrate had directed to keep the alleged detainee at the Mahila Mandir, for facilitating her production before this Court.

4. Today the alleged detainee is produced before this Court by the 3rd respondent. When we interacted the alleged detainee conceded that she is in love with the 5th respondent, with whom she has got acquaintance since the last about 8 months. According to her, she went along with the 5th respondent on 03.12.2015 because there was some problem in the College, when the College authorities have detected that she is roaming along with the 5th respondent. Therefore, because of her reluctance to face the family members, she had gone along with the 5th respondent. It is said that she had stayed along with the 5th respondent at different places outside the State. She said that she is suffering from depressive disorders for which she was taking meditation since the last few years. According to her, she is undergoing treatment for other deceases also. She expressed her strong desire to go along with the petitioner and to pursue her studies. She said that at present she is not intending to continue any relationship with the 5th respondent.

Under the above mentioned circumstances this Court is convinced that the alleged detenue is not under any illegal confinement. Hence the above writ petition is disposed of by setting her at liberty to go along with the petitioner, as desired by her.

Sd/-

C.K.ABDUL REHIM, JUDGE

Sd/-

MARY JOSEPH, JUDGE

VS