

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(Crl.).No. 503 of 2015 (S)

PETITIONER(S):

HARI K AGED 27 YEARS
S/O.KRISHNAPILLAI, HARI BHAVANAM, KANDALLORE NORTH
PATTOILI MARKET P.O., ALAPPUZHA, PIN - 690 531.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S VISHNU
SRI.C.IJLAL

RESPONDENT(S)/

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR GENERAL OF POLICE
KERALA, THIRUVANANTHAPURAM - 695 001.
3. THE DISTRICT POLICE CHIEF
ALAPPUZHA DISTRICT - 688 002.
4. CIRCLE INSPECTOR OF POLICE
KAYAMKULAM, ALAPPUZHA DISTRICT - 690 502.
5. SUB INSPECTOR OF POLICE
KANAKAKUNNU POLICE STATION
ALAPPUZHA DISTRICT - 688 009.

6. P.G.VISWAMOHAN NAIR
NANDANAM, KURATHIKKAD, MANNAR P.O.
ALAPPUZHA DISTRICT, PIN - 689 622.

R1-R5 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
R6 BY ADV. SRI.M.SUNILKUMAR
R6 BY ADV. SRI.SUJESH MENON V.B.
R6 BY ADV. SRI.THOMAS ABRAHAM (NILACKAPPILLIL)
R6 BY ADV. SRI.T.ANIL KUMAR
R6 BY ADV. SRI.M.VIVEK
R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 503 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: THE TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED FROM THE PULLIKKSNSKKU GURUSIKAMAN SIVA TEMPLE TRUST, PULLIKKANAKKU, KAYAMKULAM.

EXT.P2 THE TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE REGISTRAR OF MARRIAGE (COMMON), KAYAMKULAM MUNICIPALITY UNDER THE REGISTRATION OF MARRIAGES (COMMON) RULES, 2008 DATED 09/11/2015.

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

PS TO JUDGE

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

WP(Crl).No. 503 of 2015

Dated this the 16th day of December, 2015

JUDGMENT

Abdul Rehim,J.

The petitioner is approaching this court seeking a writ of habeas corpus for directing production of the corpus of his wife Aiswarya M, before this court and to set her at liberty, based on an allegation that she is being illegally confined by the 6th respondent, who is her father.

2. Averments are to the effect that the petitioner had married Aiswarya (hereinafter referred to as the alleged detenu) on 19.10.2015 at "Pullikkanakku Gurusikaman Siva Temple" as per Hindu rites and ceremonies and the said marriage was registered under the Kerala Registration of Marriages (Common) Rules, 2008 before the Local Registrar of Marriages, Kayamkulam Municipality, on 9.11.2015. Exts. P1 and P2 certificates are produced evidencing the said marriage. According to the petitioner, the marriage was conducted despite the stiff opposition from the side of the family members of the alleged

detenu. At the time of marriage the alleged detenu was studying for Ist year B.Com Degree in Bishop Moore College, Mavelikkara. She went to the college on 7.12.2015, but had not returned on the said day. Enquires made by the petitioner revealed that she was forcibly taken by the 6th respondent from the college on the evening of 7.12.2015. It is stated that, eventhough the petitioner had lodged a complaint before the 5th respondent, no steps were taken to get the alleged detenu released. It is on the basis of the specific allegation that the alleged detenu is illegally detained by the 6th respondent against her free will, this writ petition is filed.

3. Pursuant to notice issued from this court the 6th respondent appeared and produced the alleged detenu before this court on today. When we interacted the alleged detenu had conceded about the marriage which was solemnised on 19.10.15 and about registration of the marriage on 19.11.15. She also conceded that she was living with the petitioner after the marriage. According to her on 7.12.15 she developed acute breathing problem due to asthmatic complaints, while she was in the college. As informed from the Department concerned, her parents came to the college and took her to a hospital. It is

stated that she was admitted as inpatient at Sanjeevani Hospital for 5 days and was discharged on 12.12.2015. Thereafter she went to the parental house and was staying along with the parents. It is categorically said that the 6th respondent or any other family members have not detained her against her free will, as alleged in the writ petition. It is on her own wish and will that she is staying in her parental home, at present. She expressed her desire to go along with the 6th respondent to her parental home, as she has not taken any decision with respect to the relationship with the petitioner.

4. Under the above mentioned circumstances we are convinced that the alleged detenu is not under any illegal confinement against her free will . Therefore there exist no circumstances warranting interference of this court for issuance of any writ of habeas corpus.

Hence the writ petition is dismissed by setting the alleged detenu free to go along with the 6th respondent, as desired by her.

C.K.ABDUL REHIM, JUDGE

MARY JOSEPH, JUDGE

pmn/

