IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE T.R.RAVI

FRIDAY, THE 11TH DAY OF DECEMBER 2020 / 20TH AGRAHAYANA, 1942

W.P(Crl.).No.311 OF 2020

PETITIONER/S:

**JAYA SUBRAN, AGED 31 YEARS, W/O. VIPIN VARGHESE,
RESIDING AT NEDUMPURAM HOUSE, ANGAMALI P.O.,
ERNAKULAM DISTRICT.**

**BY ADVS.
SRI.DHANESH MATHEW MANJOORAN
SHRI.GEORGE SEBASTIAN**

RESPONDENT/S:

1 **THE STATION HOUSE OFFICER,
PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DISTRICT, PIN - 670502.**

2 **K. VARGHESE,
KUNNATHU HOUSE, NERAPARA, EMBATA, PARIYARAM P.O,
KANNUR DISTRICT, PIN - 670502.**

3 **VIJILA VARGHESE, D/O. K.VARGHESE,
KUNNATHU HOUSE, NERAPARA, EMBATA,
PARIYARAM P.O, KANNUR DISTRICT, PIN - 670502.**

R1 SENIOR GOVERNMENT PLEADER SRI.K.B.RAMANAND.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 11.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Vinod Chandran & T.R.Ravi, JJ.

W.P.(Crl).No.311 of 2020-S

Dated, this the 11th day of December, 2020

JUDGMENT

Vinod Chandran, J.

The petitioner seeks a writ of habeas corpus for the production of her husband who is said to be in the illegal custody of the 2nd and 3rd respondents, who are respectively the father and sister of her husband.

2. Admittedly the petitioner and her husband are estranged and there are cases pending in the Family Court and the jurisdictional Magistrate's Court. The husband has filed a petition for divorce before the Family Court, Kannur and the petitioner has approached the jurisdictional Magistrate's Court under the Protection of Women from Domestic Violence Act. There is also an order of maintenance, as revealed from Exhibit P3. The complaint of the petitioner before the jurisdictional police at Exhibit P4 indicates that the petitioner has not seen her husband for the last one and half years.

3. Obviously the prayer is misconceived and the petitioner would have to approach the appropriate forum for restitution, if she so desires. The writ petition is found to be misconceived and hence, the same would stand dismissed *in limine*.

Sd/-
K.VINOD CHANDRAN
JUDGE

Sd/-
T.R.RAVI
JUDGE

Vku/-

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	A TRUE COPY OF THE AFFIDAVIT DATED 12.10.2018 SUBMITTED BY THE PETITIONER.
EXHIBIT P2	A TRUE COPY OF THE CERTIFICATE OF MARRIAGE DATED 18.03.2019 ISSUED BY THE PARIYARAM GRAMA PANCHAYATH.
EXHIBIT P3	A TRUE COPY OF THE ORDER DATED 28.09.2020 IN C.M.P NO.2475/2020 IN M.C NO.85/2020 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.
EXHIBIT P4	A TRUE COPY OF THE REPRESENTATION DATED 27.11.2020 FILED BY THE PETITIONER FOR THE 1ST RESPONDENT.

[TRUE COPY]