IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR. JUSTICE T.R.RAVI

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA, 1942

WP(Crl.).No.320 OF 2020

PETITIONER:

GIRIJA KUMARI
AGED 55 YEARS
W/O. KRISHNAN NAIR, PRAVEEN BHAVAN,
IDAMBADY VEEDU, THALIKODE VILLAGE,
VINAYKODE TALUK, NEDUMANGAD,
TRIVANDRUM - 695 541.

BY ADV. SRI.M.R.SARIN

RESPONDENTS:

1 **SUPERINTENDENT OF POLICE (RURAL)**
OFFICE OF SUPERINTENDENT OF POLICE,
UNIVERSITY OF KERALA SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM, KERALA - 695 033.

2 **DEPUTY SUPERINTENDENT OF POLICE**
OFFICE OF DEPUTY SUPERINTENDENT OF POLICE,
NEDUMANGAD TOWN ROAD, PAZHAVADI,
NEDUMANGAD, TRIVANDRUM - 695 541.

3 **SUB INSPECTOR OF POLICE**
ARYANADU POLICE STATION, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT, KERALA - 695542.

4 **MURALIDHARAN NAIR**
AGED 59 YEARS
S/O. KRISHNAN NAIR, JAYA VILAS,
POTTINCHIRA CHATTACHAL P. O.,
KURUPUZHA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM - 695 551.

5 **SRIKUMARAN NAIR**
AGED 57 YEARS

S/O. KRISHNAN NAIR, JAYA VILAS,
POTTINCHIRA CHATTACHAL P. O.,
KURUPUZHA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM - 695 551.

6 JAYA KUMARI
AGED 61 YEARS
D/O. KRISHNAN NAIR, JAYA VILAS,
POTTINCHIRA CHATTACHAL P. O.,
KURUPUZHA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM - 695 551.

7 GEETHA KUMARI
AGED 58 YEARS
D/O. KRISHNAN NAIR, R/A JAYA VILAS,
POTTINCHIRA CHATTACHAL P. O.,
KURUPUZHA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM - 695 551.

8 LATHAKUMARI
AGED 55 YEARS
D/O. KRISHNAN NAIR, JAYA VILAS, POTTINCHIRA
CHATTACHAL P. O., KURUPUZHA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM - 695 551.

SENIOR GOVERNMENT PLEADER SRI.K.B.RAMANAND

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 21.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 21st day of December, 2020

T.R.RAVI, J.

The petitioner has approached this Court claiming that her husband is under the wrongful confinement of respondents 4 to 8, who are the children of her husband from his 1st wife. According to the petitioner, her husband passed away 15 years ago and she has 2 children from her 1st marriage. She states that the detenue's wife passed away 8 years ago, that she was looking after the detenue as a caretaker, that the detenue married the petitioner in 2017 and that they were residing together. The petitioner submits that the detenue was forcibly taken away from her on 16.10.2020, and thereafter she has not been able to contact the detenue. The petitioner has produced a photograph along with the detenue to show that she is married to the detenue. The writ petition is hence filed praying for a direction to the respondents 1 to 3 to produce the detenue before this Court.

2. On going through the writ petition, we find that there appear to be some mistakes regarding the age of the detenue. The

eldest daughter is shown in the cause title to be aged 61 years. The detenu hence should be aged more than 80 years old and cannot be of the age shown in the writ petition. Be that as it may, we are of the opinion that the prayer for issuance of a writ of habeas corpus is misconceived. The petitioner has already approached the respondents 1,2 and 3 with complaints dated 5.12.2020, alleging that her husband has been forcibly taken away by her children, who are also advanced in age. We are of the opinion that the petitioner shall approach the Family Court for appropriate reliefs.

The writ petition is dismissed, reserving liberty to the petitioner to approach the Family Court for appropriate reliefs. There will be no order as to costs.

Sd/-
K. VINOD CHANDRAN
JUDGE

Sd/-
T.R. RAVI
JUDGE

dsn

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**PHOTO OF THE PETITIONER AND KRISHNAN NAIR**
EXHIBIT P2	**SIGNATURE OF KRISHNAN NAIR, ACKNOWLEDGING HIMSELF AS THE HUSBAND OF THE PETITIONER ON WILL NO.7/2016.**
EXHIBIT P3	**THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENTS ON 05.12.2020.**
EXHIBIT P4	**THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENTS ON 05.12.2020.**
EXHIBIT P5	**THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENTS ON 05.12.2020.**