IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

MONDAY, THE 22ND DAY OF JULY 2024 / 31ST ASHADHA, 1946

WP(CRL.) NO. 631 OF 2024

PETITIONER:

JINITHA, AGED 34 YEARS, D/O CHITHAMBARAN, MADASSERY HOUSE, MADATHUMPADI KARA, THIRUMUKKULAM VILLAGE, CHALAKKUDY TALUK, THRISSUR DISTRICT, MADATHUMPADI P.O., PIN – 680733

BY ADV V.N.SUNIL KUMAR

RESPONDENTS:

1. **DISTRICT POLICE CHIEF (SUPERINTENDENT OF POLICE) THRISSUR RURAL, KATTUNGACHIRA, IRINJALAKUDA NORTH, PURATHISSERY, PIN – 680125**

2. **STATION HOUSE OFFICER, MALA POLICE STATION, MALA, THRISSUR, PIN – 680732**

3. **SARADA, AGED 65 YEARS, W/O RAMAN, PAIKKATT HOUSE, THAZHEKKAD KINAR, ALOOR KARA, THAZHEKKAD VILLAGE, CHALAKKUDY TALUK, THRISSUR DISTRICT, THAZHEKKAD P.O., PIN – 680697**

4. **BINI, AGED 42 YEARS, W/O HARIDAS, MARATTI HOUSE, PUTHENVELIKKARA KARA, PUTHENVELIKKARA VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT, PUTHENVELIKKARA P.O., PIN - 683594**

SRI P M SHAMEER-GP

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 22.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Devan Ramachandran, J.

On 03.07.2024, another Bench of this Court interacted with the alleged detenues and issued the following order:

> We have heard the learned counsel appearing for the petitioner. However, there was no appearance for the respondents.
>
> Later, in the day, the children, along with their grandmother and aunt, appeared before us. They stated before us that they are not under illegal confinement. They would urge that they have no contact with their mother for the past two years.
>
> In that view of the matter, we feel it is for the petitioner to move the Family Court concerned and seek appropriate reliefs.
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> As the learned counsel appearing for the petitioner was not present when the matter was taken up later, post on 22.07.2024.

2. Today, Sri.V.N.Sunil Kumar – learned counsel for the petitioner, conceded that he was not present when the matter was called by the Bench on the afore day in the afternoon session; explaining that this was because, he was under the bonafide impression that the case had been adjourned in the morning itself. He conceded that, since this Court has already recorded that the children made an unequivocal statement that they were not under illegal confinement, his client will have to move the jurisdictional Family Court for appropriate reliefs. He, therefore, sought liberty

for his client to do so.

3. We have no doubt that all liberties of the petitioner - being the mother of young children – to invoke and pursue before any competent Court/Forum as per law, is always available. As is perspicuous from the afore extracted order, this Court has, in fact, expressly reserved the same.

In the afore circumstances, we close this Writ Petition, since it has already been recorded in the afore extracted order, that the children are not under illegal detention; with every other liberty being reserved to the petitioner, including to move the jurisdictional Family Court for necessary reliefs.

Needless to say, we have not entered into the merits of any of the rival contentions and all of them are left open.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

Sd/-
M.B. SNEHALATHA
JUDGE

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APPENDIX OF WP(CRL) 631/2024

PETITIONER EXHIBITS

Exhibit - P1	TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 24/04/2024.