

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

MONDAY, THE 31ST AUGUST 2009 / 9TH BHADRA 1931

WP(Crl.).No. 347 of 2009(S)

PETITIONER(S):

**G.DEEPU, SON OF O.A.GOPI,
AGED 22 YEARS, RESIDING AT ORMULAKUNNEL,
MULANTHURUTHY, ERNAKULAM DISTRICT-682 314.**

BY ADV. SMT.REKHA VASUDEVAN

RESPONDENT(S):

- 1. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE ASSISTANT COMMISSIONER OF POLICE,
THRIKKAKARA, ERNAKULAM DISTRICT.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
KALAMASSERY CIRCLE, ERNAKULAM.**
- 4. THE SUB INSPECTOR OF POLICE,
ELOOR POLICE STATION, ELOOR, ERNAKULAM.**
- 5. P.B.APPUKUTTAN,
RESIDING AT JAYA BHAVAN, ELOOR SOUTH,
UDYOGAMANDAL P.O., ERNAKULAM DISTRICT 683 501.**
- 6. SARASWATHI AMMA,
RESIDING AT JAYA BHAVAN, ELOOR SOUTH,
UDYOGAMANDAL P.O., ERNAKULAM DISTRICT 683 501.**

**ADV. SRI.P.C.HARIDAS FOR R5 & R6
GOVERNMENT PLEADER SRI. T.K. VIPIN DAS.**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 31/08/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

V.K. MOHANAN & P.N. RAVINDRAN, JJ.
= = = = =
W.P.C. (Cr1) NO. 347 OF 2009
= = = = =
Dated this the 31st day of August, 2009.

J U D G M E N T

Mohanana, J

This is a Habeas Corpus petition preferred by one Deepu alleging that one Miss. Aswathy is under the illegal detention of respondents 5 and 6. According to the petitioner, he and the said Aswathy were in love and they have decided to marry and pursuant to that Ext.P1 notice was issued under the provisions of the Special Marriage Act. This Court issued notice in the writ petition and the matter was admitted on 25.8.2009. Pursuant to the direction issued by this Court, the detenue is produced.

2. We had talk with her and on questioning she would submit that she had certain affairs with the petitioner and Ext.P1 was issued for the purpose of marriage but she had decided to withdraw from it and that she is not under the illegal custody of anybody.

In the result we are satisfied that the said Aswathy is not under the illegal detention of anybody. Therefore the writ petition fails and the same is dismissed.

V.K. MOHANAN, JUDGE.

P.N. RAVINDRAN, JUDGE.

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