

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

&

THE HONOURABLE MR. JUSTICE M.L.JOSEPH FRANCIS

TUESDAY, THE 31ST AUGUST 2010 / 9TH BHADRA 1932

WP(Crl.).No. 338 of 2010(S)

PETITIONER(S):

SHAVIN.R., S/O. RAJENDRAN PILLAI,
AGED 26 YEARS, ANANDARAJ, MANAYIL KULANGARA,
THIRUMULLAVARAM.P.O.,KOLLAM DISTRICT.

BY ADV. SRI.PRATHEESH.P
SRI.K.B.ARUNKUMAR

RESPONDENT(S):

1. THE DEPUTY SUPERINTENDENT OF POLICE,
KOLLAM.
2. THE SUB INSPECTOR OF POLICE,
KOLLAM WEST POLICE STATION.
3. RAJAGOPAL, GOKULAM, MANAYILKULANGARA,
THIRUMULLAVARAM.P.O, KOLLAM-12.
4. SUJATHA, W/O. RAJAGOPAL, GOKULAM,
MANAYILKULANGARA, THIRUMULLAVARAM.P.O., KOLLAM-12.

BY SR.G.P. SRI.K.J. MOHAMMED ANZAR
ADV. SRI.T.A.SHAJI FOR R3-4
SRI.P.K.CHANDRASEKHARAN PILLAI FOR R3-4

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 31/08/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**R. BASANT &
M.L. JOSEPH FRANCIS, JJ.**

W.P.(Cri) No. 338 of 2010-S

Dated this the 31st day of August, 2010

JUDGMENT

Basant,J.

The petitioner has come to this Court with this petition for issue of a writ of habeas corpus to search for, trace and produce Ms. Anjana, a young woman aged about 24 years (date of birth - 29/7/86). She is a final year student of the B.D.S. Course. There was a proposal seen in the Net and there was a suggestion that the petitioner and the said Anjana can get married. Though initially the parents of the alleged detainee i.e., respondents 3 and 4 had consented to the marriage, later they had allegedly retracted and they did not agree for the marriage. The petitioner and the alleged detainee became close and they started chatting with each other over the Net and sending messages by E-mail and through the mobile phone. According

W.P.(Cri) No. 338 of 2010 -: 2 :-

to the petitioner, the alleged detainee Anjana was being illegally detained and confined by respondents 3 and 4 - her parents. In these circumstances, the petitioner came to this Court with this petition on 20/8/10.

2. After hearing the learned counsel for the petitioner and perusing the records, initially we were reluctant to issue notice. We therefore wanted the learned Government Pleader to collect discreet information.

3. This matter was posted to 27/8/10 initially and on that date the case was adjourned to this date i.e., 31/8/10.

4. Today, when the case came up for hearing, the petitioner and his counsel are present. Respondents 3 and 4 are also present. They are represented by a counsel. As the alleged detainee Anjana comes to Court along with/in the custody of respondents 3 and 4, we permitted Ms. Anjana to remain alone in the Chamber without opportunity for any one to influence here. Later, after the lunch recess, we interacted with the alleged detainee. The alleged detainee confirms that it is true that there was a proposal for marriage and thereafter there has been contacts between the petitioner and the alleged detainee. But her parents have advised her against this marriage for various reasons and she accepts the decision of her parents that

W.P.(Cri) No. 338 of 2010 -: 3 :-

this marriage will not be good for her. She made it clear that she has nothing against the petitioner and that if her parents would agree, she is also willing to get married to the petitioner. But inasmuch as her parents do not approve the relationship and are advising her against such an arranged marriage with the petitioner, she does not want to continue the relationship. To a pointed question by this Court as to whether, given an option she would like to go with the petitioner or with the parents, she asserted categorically that she would like to return along with her parents i.e., respondents 3 and 4.

5. We interacted with the alleged detainee alone initially and later in the presence of her parents. Subsequently, we interacted with her in the presence of the petitioner also. The learned counsel for the petitioner, the learned counsel for respondents 3 and 4 and the learned Government Pleader were also present in the course of the interactions.

6. In a petition for issue of a writ of habeas corpus, we are primarily concerned with the question whether the alleged detainee is under any illegal confinement or detention. Our interactions confirm to us that the alleged detainee is not under any illegal detention or confinement. She resides with her parents and it appears to us that she feels that as a dutiful

W.P.(Cri) No. 338 of 2010 -: 4 :-

daughter she must heed to the advise and counsel of respondents 3 and 4 regarding the proposal for marriage. We are satisfied that no further directions are necessary in the matter.

7. The petitioner aired an apprehension before us that there may be vexatious and retaliatory action against him from respondent Nos.3 and 4 for his having approached this Court. Respondents 3 and 4 state categorically that they have absolutely nothing against the petitioner and they shall not indulge in any vexatious action against the petitioner. The learned Government Pleader submits that if there be any such complaint for the petitioner, the petitioner can complain to respondent No.1 and/or respondent No.2 and they shall be instructed to do the needful in the matter.

8. This writ petition is, in these circumstances, dismissed.

Sd/-

**R. BASANT
(Judge)**

Sd/-

**M.L. JOSEPH FRANCIS
(Judge)**

Nan/

//true copy//

P.S. to Judge