

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 31ST DAY OF JULY 2013/9TH SRAVANA, 1935

WP(Cr1.).No. 345 of 2013 (S)

PETITIONER(S) :

BINU DAVID, AGED 29 YEARS,
S/O.DAVID, PANANINNAVILAKATH VEEDU, RC STREET
BALARAMAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.SYAM J SAM

RESPONDENT(S) :

1. DISTRICT POLICE CHIEF,
THIRUVANANTHAPURAM-695 001.

2. THE SUB INSPECTOR OF POLICE,
BALARAMAPURAM POLICE STATION,
THIRUVANANTHAPURAM-695 001.

3. SUDHAKARAN,
SN NIVAS, NELLIVILA,
BALARAMAPURAM, THIRUVANANTHAPURAM-695 001.

R1-R2 BY ADV. ADDL.DIRECTOR GENERAL OF
PROSECUTION TOM JOSE PADINJAREKARA.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 31-07-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 345 of 2013 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1.THE PHOTOGRAPH OF THE PETITIONER AND DETENUE

EXHIBIT P2.TRUE COPY OF THE COMPLAINT GIVEN BY THE PETITIONER BEFORE
THE 2ND RESPONDENT DATED 197/2013.

RESPONDENT(S) ' EXHIBITS
-----: NIL

/TRUE COPY/ P.S. TO JUDGE.

ANTONY DOMINIC & P.D.RAJAN,JJ.

W.P.(CrL.) No. 345 OF 2013

Dated this the 31st day of July, 2013

J U D G M E N T

Antony Dominic, J

The writ petition was filed alleging that the petitioner is in love with one Neethu and that the 3rd respondent, her father, is keeping her under detention in order to prevent her from getting married to the petitioner. When the writ petition came up for orders on 25/7/2013, this Court passed an order, which reads thus:

“Petitioner seeks the assistance of this Court for the release of Smt.Neethu, who is alleged to be under the illegal detention of her father, the 3rd respondent. On the materials produced, petitioner has not substantiated his allegations. In such circumstances, to be sure about the allegation raised, we direct the 2nd respondent to get a discrete enquiry conducted into the allegation of the petitioner and also to get the statement of Smt.Neethu recorded by a woman police constable. Report of the 2nd respondent along with the statement will be produced before this Court. Post on 31/7/2013.”

2. Accordingly, the 2nd respondent conducted a discrete enquiry and also got a statement of the alleged detainee herself recorded.

3. Today, when the matter was taken up, the learned Government Pleader made available to us the report of the 2nd respondent and also the statement of the detainee. In the statement, the alleged detainee has confirmed that she is not under detention as suggested by the petitioner. She has also disclosed that her marriage with another person is scheduled to take place on 2nd September 2013. Thus, not only that the petitioner has not produced any proof to substantiate his allegation of illegal detention, but the report obtained from the 2nd respondent and the statement of the alleged detainee herself shows that the case is otherwise. In such circumstances, we are not inclined to entertain this writ petition. Therefore, the writ petition is dismissed.

Sd/-

ANTONY DOMINIC,

Judge.

Sd/-

P.D.RAJAN,

Judge.

dpk.

/True copy/ P.S to Judge.

