

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

WP(Crl.).No. 319 of 2015 (S)

PETITIONER:

**MURUGESAN,
AGED 49 YEARS, S/O.PERUMAL,
KRM NIVAS, NEAR CHOLAKULAM
SHORNUR P O, PALAKKAD DISTRICT, PIN 679121**

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE
SHORNUR POLICE STATION,
PALAKKAD DISTRICT, PIN 679121**
 - 2. THE CIRCLE INSPECTOR OF POLICE,
OTTAPALAM, PALAKKAD DISTRICT, PIN 679012**
 - 3. THE SUPERINTENDENT OF POLICE
PALAKKAD, PIN 679001.**
 - 4. DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM 695001**
 - 5. MOHAMMED IQBAL,
AGED 21 YEARS, S/O.MOHAMMED,
KORLIYADAN HOUSE, GANESH GIRI
SHORNUR P O, PALAKKAD DISTRICT, PIN 679121**
 - 6. AMINA, AGED 55 YEARS
W/O.MOHAMMED , KORLIYADAN HOUSE, GANESH GIRI
SHORNUR P O, PALAKKAD DISTRICT, PIN 679121**
- R1 TO R4 BY ADV. SRI. K.I. ABDUL RASHEED, ADGP &
ADV.SRI. P.S.ABDUL KAREEM, GOVT. PLEADER.**
- R5 & 6 BY ADVS. SRI.SALIM V.S.
SRI.H.NUJUMUDEEN**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 31-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

W.P (Crl.) No. 319 OF 2015

DATED THIS THE 31st DAY OF AUGUST, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is the father of the alleged detainee, Miss.Kanimozhi, aged 20 years. He is approaching this court seeking a writ of Habeas Corpus for directing production of the alleged detainee, based on an allegation that she is under illegal confinement of respondents 1 to 4.

2. It is mentioned in the writ petition that the alleged detainee had completed B.Sc Degree. The 5th respondent is a person belonging to Muslim religion and he is an Auto Driver by profession. Averments are to the effect that since 10-07-2015 the alleged detainee is missing from the family and it was revealed that she was abducted by the 5th respondent to some unknown places, with the active assistance and connivance of the 6th respondent and his henchmen. It is mentioned that, based on a complaint lodged by the petitioner, the 1st respondent had registered a case as Crime No.446/2015 of Shoranur Police Station under Section 57 of the Kerala Police Act. But it is

alleged that no effective steps were taken to trace out the missing girl. Based on the specific allegation that the daughter of the petitioner is under illegal confinement of respondents 5 & 6, this writ petition is filed.

3. Pursuant to notice issued from this court respondents 5 & 6 entered appearance through counsel and produced the alleged detainee, Miss.Kanimozhi before this court on 21-07-2015. When we interacted with the alleged detainee she said that she is in love with the 5th respondent since last 6 years and they have decided to marry each other. According to her, she was living with the 5th respondent since 10-07-2015 onwards and they have taken steps to solemnize the marriage under the Special Marriage Act. Since there existed no legally valid marriage between the alleged detainee and the 5th respondent this court directed the 2nd respondent to admit the alleged detainee in a Hostel at Erankulam, because she was not willing to go along with the petitioner to the parental house. The 5th respondent was directed to take steps to solemnize the marriage under the Special Marriage Act and to produce the Marriage Certificate before this court.

4. Today, when the case is taken up, counsel appearing for the 5th respondent had produced a Certificate of Marriage issued under Section 13 of the Special Marriage Act, 1954, by the Marriage Officer, Shoranur. It would indicate that a valid marriage has been solemnized between the alleged detainee and the 5th respondent on 25-08-2015. This court takes note on record the valid marriage established between the alleged detainee and the 5th respondent.

5. Under the above mentioned circumstances this writ petition is disposed of by recording the fact that the alleged detainee is not under any illegal confinement. She is set at liberty to live along with the 5th respondent as husband and wife on the basis of the valid marriage established, at any place of their choice.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge