# IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

THE HONOURABLE MR. JUSTICE K. VINOD CHANDRAN

æ

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 29<sup>TH</sup> DAY OF JULY 2022 / 7TH SRAVANA, 1944

WP(CRL.) NO. 649 OF 2022

### PETITIONER:

SHAMILA SHAJI, AGED 44 YEARS, W/O.SHAJI @ SHAJIMON, VALIYATH VEETIL, NORTH OF MUHAYUDEEN MASJID, KOTTUKULANGARA, ERUVA MURI, PATHIYOOR, KAYAMKULAM, ALAPUZHA DISTRICT, , PIN - 690104.

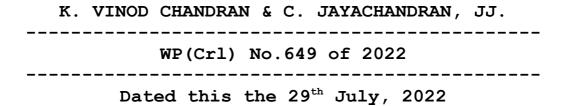
BY ADVS.
R.REJI
M.V.THAMBAN
THARA THAMBAN
B.BIPIN
ARUN BOSE
SUNEESH KUMAR R.

#### RESPONDENTS:

- 1 STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.
- 2 THE DISTRICT POLICE CHIEF, OFFICE OF THE DISTRICT POLICE, ALAPPUZHA, PIN 688011.
- 3 THE STATION HOUSE OFFICER, KAYAMKULAM POLICE STATION, KAYAMKULAM P.O., ALAPPUZHA DISTRICT, PIN 690502.
- 4 SUDHEESH KUMAR, AGED 23 YEARS, S/O.SUNIL, POOMUTTATHU HOUSE, GCDA NO.11, IKYA NAGAR, KADAVANTHRA, ERNAKULAM VILLAGE, PIN 682020.
- 5 VISHNU, OZHIKELI HOUSE, BHATTATHIRIPAD ROAD, KALOOR, ERNAKULAM, PIN 682017.

BY ADVS.SANTHOSH M.J.
P.NARAYANAN, SENIOR G.P. AND ADDL.PUBLIC PROSECUTOR()
SRI.E.C.BINEESH, GOVERNMENT PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 29.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



# **JUDGMENT**

# Vinod Chandran, J.

The petitioner was concerned with her daughter, who was missing. It is apprehended that the petitioner's daughter has eloped with the 4<sup>th</sup> respondent. According to the petitioner, her daughter suffered severe depression due to her relationship with the 4<sup>th</sup> respondent and was under the illegal custody of respondents 4 & 5.

2. We directed the alleged detenue to be produced before the Secretary, District Legal Services Authority [DLSA], Alappuzha, from whose Office Video Conferencing was facilitated. Today, the detenue was produced before the Secretary, DLSA, Alappuzha and we interacted with her on the digital platform. The Secretary, DLSA, Alappuzha has also interacted with the

alleged detenue and it is informed that she is firm in her resolve to go with the 4<sup>th</sup> respondent, who she claims to have married; which the subject informed us also. The Secretary, DLSA, Alappuzha assured us that the petitioner was provided an opportunity to talk with her daughter and she is in a very desperate state, hearing the decision of her daughter. We hence did not want to further aggravate the situation by talking to her.

3. We called the 4<sup>th</sup> respondent also, who said that he has married the petitioner's daughter in a Temple. The 4<sup>th</sup> respondent is a Hindu and the petitioner's daughter is a Muslim and obviously the marriage has to be in accordance with the Special Marriage Act. We hence directed the 4<sup>th</sup> respondent to ensure that a notice is taken out under the Special Marriage Act and the registration of the marriage carried out appropriately. We also directed supervision by the Secretary, DLSA, Alappuzha before whom the 4<sup>th</sup> respondent has to produce the documents with respect to a legal marriage having been entered into. We left the petitioner's daughter to

proceed according to her desire. The writ petition is closed.

K.VINOD CHANDRAN, JUDGE

C.JAYACHANDRAN, JUDGE

sp/29/07/2022

### **APPENDIX**

## PETITIONER'S EXHIBITS: -

EXHIBIT P1 TRUE COPY OF THE DISCHARGE SUMMARY ISSUED FROM THE DEPARTMENT OF PSYCHIATRY, VALIYATH INSTITUTE OF MEDICAL SCIENCES, KARUNAGAPALLY.

EXHIBIT P2 TRUE COPY OF THE FIR ALONG WITH THE FIS IN CRIME NO.660/2022 DATED 13.07.2022 OF KAYAMKULAM POLICE STATION, ALAPUZHA DISTRICT