

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 29TH 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:

K. VINOD CHANDRAN & C. JAYACHANDRAN, JJ.

WP (CrI) No.649 of 2022

Dated this the 29th July, 2022

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 4th respondent. According to the petitioner, her daughter suffered severe depression due to her relationship with the 4th respondent and was under the illegal custody of respondents 4 & 5.

2. We directed the alleged detainee to be produced before the Secretary, District Legal Services Authority [DLSA], Alappuzha, from whose Office Video Conferencing was facilitated. Today, the detainee 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 detainee and it is informed that she is firm in her resolve to go with the 4th 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 4th respondent also, who said that he has married the petitioner's daughter in a Temple. The 4th 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 4th 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 4th 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