

Ajith Kumar.E Vs. Kumaran

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Court : Kerala

Decided On : Nov-05-2013

Judge : Honourable Mr.Justice Antony Dominic

Appellant : Ajith Kumar.E

Respondent : Kumaran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE ANTONY DOMINIC & THE HONOURABLE MR. JUSTICE P.D.RAJAN TUESDAY, THE 5TH DAY OF NOVEMBER 2013 14TH KARTHIKA, 1935 WP(Crl.).No. 491 of 2013 (S) -----
PETITIONER(S): ----- AJITH KUMAR.E AGED 32 YEARS S/O.RAMAN (LATE), EROLIL PURAYIL HOUSE, CHELEMBRA PULLIPARAMBA P.O., MALAPPURAM DISTRICT - 673634. BY ADVS.SRI.M.SASINDRAN SRI.S.SHYAM KUMAR RESPONDENT(S): ----- 1. KUMARAN KUTTIYATH HOUSE, TIRUNNAVAYAA P.O. MALAPPURAM DISTRICT - 676301.

2. THE DISTRICT POLICE CHIEF, MALAPPURAM - 676505.

3. STATION HOUSE OFFICER TIRUR POLICE STATION, MALAPPURAM - 676101. R2-R3 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.TOM JOSE PADINJAREKARA THIS WRIT PETITION (CRIMINAL) HAVING

COME UP FOR ADMISSION ON 05-11-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(Crl.).No. 491 of 2013 (S) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXT.P-1: A TRUE COPY OF THE APPLICATION FORM FOR NOTICE OF INTENDED MARRIAGE SUBMITTED JOINTLY BY THE PETITIONER AND THE DETENU. EXT.P-2: A TRUE COPY OF THE ACKNOWLEDGEMENT FOR RECEIPT OF MONEY, ISSUED BY THE OFFICE OF THE SUB REGISTRAR, THENJIPALAM, DATED 20.7.2013 EXT.P-3: A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE INSPECTOR OF POLICE, THENJIPPALAM POLICE STATION, DATED 16.10.2013 RESPONDENT(S)' EXHIBITS NIL ----- //True Copy// PA TO JUDGE Rp ANTONY DOMINIC & P.D.RAJAN, JJ.

===== W.P.(Crl.) No. 491 OF 2013 ===== Dated this the 5th day of November, 2013

JUDGMENT

Antony Dominic, J.

Petitioner has filed this writ petition alleging that he and Ms.Sruthi.K, niece of the 1st respondent were in love and that both of them have decided to get married and to live together. It is stated that pursuant to the above decision, they gave notice under the Special Marriage Act evidenced by Ext.P1 and that thereafter the 1st respondent is illegally keeping her under detention in order to prevent her from getting married to the petitioner. It is with this allegation, he filed this writ petition.

2. On the filing of the writ petition, realising that apart from producing a copy of Ext.P1 and Ext.P2, receipt for payment of the fee, nothing has been produced, in order to verify the correctness of the allegations made by the petitioner, this Court passed order dated 29/10/13 directing the 3rd respondent to conduct a discrete enquiry into the matter and also to depute a woman police constable and get a statement of the alleged detainee recorded. It was directed that the report of the 3rd W.P.(Crl.) No.491/13 :

2. : respondent and the statement of the alleged detainee should be made available to this Court.

3. Accordingly, today when the matter was taken up, learned Additional Director General of Prosecution has made available the report of the 3rd respondent and also the statement of the alleged detainee recorded by a woman police constable by name Smt.Sindhu.K.V. Both the report and the statement of the detainee discloses that the alleged detainee and the petitioner were working together in AES Senior Secondary School, Alloor in Kozhikode district and that during the said period, they fell in love and have also decided to get married and to live together. It is also stated that thereafter, on 16/7/13, they made a joint effort to give notice under the Special Marriage Act before the Panampara Sub Registrar Office, but however, the same did not succeed as the marriage officer was on leave. According to the alleged detainee, she thereupon entrusted the signed documents with the petitioner and it is making use of those documents that the petitioner gave notice evidenced by Ext.P1. The detainee has also stated that subsequently in deference to the wishes of the members of her family, who were against her relationship with W.P.(Crl.) No.491/13 :

3. : the petitioner, she has given up the idea of continuing her relationship and has also withdrawn from her decision to get married to the petitioner. She has also confirmed that she is not under illegal detention of anybody including the 1st respondent. Thus from the only material available before this Court, the report of the 3rd respondent and the statement of the alleged detainee, it is obvious that the detainee is not under illegal detention as alleged by the petitioner. In such circumstances, this Court cannot entertain this writ petition with a prayer for the issuance of a writ of habeas corpus and it is accordingly dismissed. Sd/- ANTONY DOMINIC, JUDGE Sd/- P.D.RAJAN, JUDGE Rp //True Copy// PA TO JUDGE

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