

Saviour M.T. vs State of Kerala

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Court : Kerala

Decided On : Feb-21-2019

Judge : Honourable Mr.Justice C.K.Abdul Rehim,Honourable Mr.Justice T.V.Anilkumar

Appeal No. : WP(Crl.)/62/2019

Appellant : Saviour M.T.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM & THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR THURSDAY ,THE 21ST DAY OF FEBRUARY 2019 / 2ND PHALGUNA, 1940 WP(Crl.).No. 62 of 2019 PETITIONER/S: SAVIOUR M.T. AGED 30 YEARS S/O.THOMAS.K.N., MEPPURATH HOUSE, THEYYAPPARA P.O., KOZHIKODE - 673 580. BY ADVS. SRI.M.R.ANISON SMT.P.A.RINUSA RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT,

THIRUVANANTHAPURAM - 695 001. 2 THE DISTRICT POLICE CHIEF
OFFICE OF THE DISTRICT CHIEF, KOZHIKODE - 673 004. 3 THE
CIRCLE INSPECTOR OF POLICE BALUSSERY POLICE STATION,
BALUSSERY P.O., KOZHIKODE DISTRICT - 673 612. 4 ABDUL
MAJEED.C.P. CHEEDIYEDATH PAYIL EKAROO, EKAROO,
UNNIKULAM P.O., QUILANDY (VIA), KOZHIKODE DISTRICT - 673
574. R4 BY ADV. SRI.LUIZ GODWIN D COUTH

OTHER PRESENT: R1 to R3 SR.GP.SRI.K.B.RAMANAND THIS WRIT
PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
21.02.2019, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: W.P.(Crl). No.62/2019 2 C.K.ABDUL REHIM &

T.V.ANILKUMAR, JJ.

----- W.P.(Crl). No. 62 of 2019
----- Dated this the 21st day of February, 2019

JUDGMENT

C.K.ABDUL REHIM, J.

Petitioner is approaching this court seeking a writ of Habeas Corpus for commanding production of the corpus of Miss.Shifana Sherin C.P.(herein after referred to as the alleged detainee), who is the daughter of the 4th respondent, based on an allegation that the 4 th respondent is keeping her under illegal confinement.

2. The averments in brief are that, the petitioner and the alleged detainee were in deep love and they have decided to get married, for which they have submitted a 'notice of intended marriage' before the Marriage officer, Kodenchery on 11.2.2019. But when the 4 th respondent and other family members of the alleged detainee came W.P.(Crl). No.62/2019 3

to know about this, they are keeping the detenue under confinement, without allowing her to contact the petitioner in any manner, against her free will. Hence, the above writ petition is filed.

3. On receipt of notice from this court, the 4th respondent appeared and produced the alleged detenue before this Court, on today. The 4th respondent is also represented through a lawyer.

4. When we interacted, the alleged detenue said that, she is

now pursuing her studies in a para medical course as 'Dialysis Technician' in an institute at Calicut. She confessed about the acquaintance developed with the petitioner, he being a teacher of that institute. She also admitted about the submission of the 'notice of intended marriage', on 11.2.2019. But she denied the allegations of illegal confinement. She said that she is intending to pursue her studies and that she has not taken any decision to marry the petitioner, at present. She expressed her desire to go back to her parental home along with the 4th respondent.

5. Under the above mentioned circumstances, this court is

convinced that there is no basis for the alleged illegal detention. It is convinced that the alleged detenue is staying with her parents at her own wish and will. W.P.(CrI). No.62/2019 4 Hence, the above writ petition fails and the same is accordingly dismissed. The alleged detenue is set at liberty to go along with the 4th respondent, as desired by her.

Sd/- C.K.ABDUL REHIM JUDGE Sd/- T.V.ANILKUMAR JUDGE al/- W.P.(CrI). No.62/2019 5 APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE NOTICE OF INTENDED MARRIAGE DEPARTMENT OF REGISTRATION -KERALA. EXHIBIT P2 TRUE COPY OF THE RECEIPT NO.AS 0581535 DATED 11/02/2019 ISSUED BY THE SUB REGISTRAR, KODENCHERRY. EXHIBIT P3 A TRUE COPY OF THE AADHAR CARD OF MISS. SHIFANS SHERIN.C.P.(DETENUE). RESPONDENTS EXHIBITS : NIL TRUE COPY P.S TO JUDGE AL/-

