

Shylaja Vs. Sujith and ors.

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Court : Kerala

Decided On : May-19-2010

Judge : R. Basant and; M.C. Hari Rani, JJ.

Appeal No. : WP (Crl.) No. 278 of 2007 (S)

Appellant : Shylaja

Respondent : Sujith and ors.

Advocate for Def. : S. Abdul Razzak, Adv.

Advocate for Pet/Ap. : S. Sanal Kumar, Adv.

Judgement :

ORDER

04.12.2007

1. This writ of habeas corpus is filed praying for a direction to the respondents to produce the body of the petitioner's daughter by name Queency before this court and to set her at liberty.

2. The petitioner is the mother who is a Lower Division Clerk working in the Office of the R.D.O., Alappuzha. Petitioner has got two children, of which elder is the son and the alleged detenu is the daughter. The alleged detenu Queency was undergoing her studies in the St.Joseph's College for Women, Alappuzha. The

petitioner and her daughter were staying in a Working Women's Hostel and she was attending the College as a day-scholar. It is alleged that the alleged detainee was missing on 22.10.2007. Information is said to have received from respondents 1 to 3 that the petitioner's daughter was with them. It is for releasing her that the present petition is filed.

3. The alleged detainee Queency was produced before us by the 5th respondent. We interacted with her as also the petitioner-the mother. The alleged detainee stated before us that she has gone to the house of respondents 1 and 2 on her own accord. It appears that the alleged detainee developed some intimacy with the first respondent. However, it admits of, no doubt, that the first respondent is under the age of 21 and the petitioner's daughter under the age of 18 and therefore have not reached the marriageable age. The mother told that she is prepared to admit her daughter in the hostel attached to the College where she is studying. We record the same. Being a minor, the mother is given interim custody of the child. The mother may admit the girl in the St.Joseph's Women's Hostel, Alappuzha so as to enable her to pursue her studies. The Principal of the College, we have no doubt, will admit her in the Hostel without delay. We further direct that the petitioner shall not compel Queency for any marriage against her wish. A copy of this order shall be issued to the petitioner for enabling her to serve the same to the College authorities for information and compliance.

We adjourn this case for reporting compliance to 13.12.2007.

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