

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 21<sup>ST</sup> DAY OF JANUARY 2022 / 1ST MAGHA, 1943

WP(CRL.) NO. 31 OF 2022

PETITIONER:

EBYMON MATHEW,  
AGED 29 YEARS,  
S/O.MATHEW N.C.,  
NIRAVATH HOUSE, EDAKADATHY P.O.,  
ERUMELI, KOTTAYAM DISTRICT - 686 510.

BY ADVS.  
K.S.ARUN KUMAR  
RAJEE P MATHEWS  
AMRUTHA K P  
AMRUTHA P S  
JUSTIN DAVID  
VIJAY SANKAR V.H.

RESPONDENTS:

- 1 STATION HOUSE OFFICER  
RANNI POLICE STATION - 689 672.
- 2 JOSEPH,  
AGED ABOUT 56 YEARS,  
NAMBIARMADATHIL HOUSE, MANDAMARUTHI P.O.,  
RANNI, PATHANAMTHITTA DISTRICT - 689 676.

BY ADVOCATE GENERAL OFFICE KERALA

OTHER PRESENT:

SRI.E.C.BINEESH - GOVERNMENT PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON  
21.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.VINOD CHANDRAN & C.JAYACHANDRAN, JJ.**

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**W.P(Crl.)No. 31 of 2022**  
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**Dated this the 21<sup>st</sup> day of January, 2022**

**JUDGMENT**

Jayachandran, J.

The petitioner, who claims to have an affair with the alleged detainee for the past 7 years, seeks issuance of a writ of Habeas Corpus to produce the detainee before this Court, as also to set her at liberty, on the allegation that she has been illegally detained by her father/2<sup>nd</sup> respondent.

2. According to the petitioner, the detainee was giving tuition to students at Doha, Qatar, for the past four years and she is under the illegal custody of the 2<sup>nd</sup> respondent on and from the date of her return from Doha, that is, 23.12.2021.

3. As per Order dated 10.01.2022, a Division Bench of this Court directed the 1<sup>st</sup> respondent, SHO, to obtain the statement of the alleged detainee

through a woman Police Officer, without the presence of 2<sup>nd</sup> respondent or any other family members. Such statement was recorded and produced before us, wherein the alleged detainee would state that she is not having any relationship with the petitioner for the past two years, that the petitioner is causing nuisance to the detainee by contacting her frequently over phone and that she is not under any illegal custody.

4. In the light of the above statement, we find no illegal detention, whatsoever, of the alleged detainee in the hands of the 2<sup>nd</sup> respondent/father.

We therefore, dismiss this writ petition as devoid of merits.

**Sd/-  
K.VINOD CHANDRAN  
JUDGE**

**Sd/-  
C.JAYACHANDRAN  
JUDGE**

NR/21/01/2022

APPENDIX

PETITIONER'S EXHIBITS

Exhibit P1

TRUE COPY OF THE COMPLAINT PREFERRED BY THE  
PETITIONER BEFORE THE S.H.O.RANNI DATED  
05/01/2022.

Exhibit P2

TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT OF  
PETITION BY RANNI POLICE 06/01/2022.