

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE C.K.ABDUL REHIM

TUESDAY, THE 5TH MAY 2009 / 15TH VAISAKHA 1931

WP(Crl.).No. 167 of 2009(S)

PETITIONER(S):

ANU.S. AGED 25 YEARS,
D/O. LATE SASEENDRA BABU.V.S., SASINIVAS,
VALIAMARAM WARD, ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENT(S):

1. THE SUPERINTENDENT OF POLICE,ALAPPUZHA.
2. THE SUB INSPECTOR OF POLICE
ALAPPUZHA SOUTH POLICE STATION.
3. DR.ANILKUMAR, SUVARNA SADANAM,
STADIUM WARD, NEAR EXCISE COMMISSIONER OFFICE
AVALOOKUNNU.P.O.,ALAPPUZHA.
4. V.C.H. SUDAN, SNKAR BHAVAN,PUNNAPRA.P.O.

ADV. SRI.R.BINDU (SASTHAMANGALAM) FOR R3 & R4
SRI.PRASANTH M.P FOR R3 & R4
GOVERNMENT PLEADER SRI.ANTONY MUKKATH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 05/05/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.R.RAMACHANDRA MENON &
C.K.ABDUL REHIM, JJ.

W.P. (Cr1.) No.167 OF 2009

Dated this the 5th day of May 2009

J U D G M E N T

ABDUL REHIM, J.

The allegation in the writ petition is that Sri.Sai Sankar.H, son of the 4th respondent and brother-in-law of the 3rd respondent, is under illegal detention of the respondents 3 and 4. It is alleged that the petitioner was in love with the alleged detainee and there was an understanding to conduct their marriage. In fact the marriage was fixed to be solemnized on 27/4/2009 at Sri Krishna Swamy Temple, Guruvayur, and a reception was arranged on 29/4/2009 at Ramavarma Club, Alappuzha. Exts.P1 and P2 invitations are produced in support of the above contention. The allegation of the petitioner is that after making all arrangements

for the wedding and the reception, respondents 3 and 4, against the will of Sri.Sai Sankar.H, had detained him in illegal custody without allowing him to contact the petitioner. Therefore the marriage could not be solemnized.

2. On the basis of the notice issued from this court, the 5th respondent had produced the above said Sri.Sai Sankar.H before this court. We made personal enquiries with him. He stated that the decision to withdraw from the marriage was taken on his own will, and there was no compulsion or coercion from anybody. It is further stated that he is not under illegal confinement of any other person.

3. The petitioner was also present before this court. She made a request to permit her to have talks with Sri.Sai Sankar.H, exclusively. But the proposal was not acceptable to Sri.Sai Sankar.H. He said that he is not interested in

having any talks with the petitioner, at present. According to him he is not in such a state of mind to have any personal talks with the petitioner. We are not proposing to exert any persuasion in this respect, upon the alleged detainee, because it is evident that his statements are on his own volition. We find that the corpus of the alleged detainee is not under illegal confinement.

4. In the result, we find that there is no scope for any interference in the matter for issuance of any writ of habeas corpus. Accordingly, the writ petition fails and dismissed.

P.R.RAMACHANDRA MENON, JUDGE

C.K.ABDUL REHIM, JUDGE.

jsr

