

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

TUESDAY, THE 31ST DAY OF MAY 2022 / 10TH JYAISHTA, 1944

WP(CRL.) NO. 476 OF 2022

PETITIONERS:

ADHILA NASARIN,
AGED 22 YEARS
C/O.M.K.MUHAMMAD ALI, MUTTANGAL HOUSE, EDAYAR,
BINANIPURAM, ERNAKULAM-683 502.

BY ADV ANEESH K.R

RESPONDENTS:

- 1 THE COMMISSIONER OF POLICE,
ERNAKULAM, KERALA-682 011.
- 2 THE SUPERINTENDENT OF POLICE,
ALUVA, ERNAKULAM-683 502.
- 3 THE STATION HOUSE OFFICER.,
BINANIPURAM POLICE STATION, ALUVA, ERNAKULAM-683 502.
- 4 BADARUDHEEN, AGE AND FATHER'S NAME (UNKNOWN)
CHAKKITTAKANDY HOUSE, PERUMPALLY P.O., THAMARASSERY,
KOZHIKODE-682 314.
- 5 NAZEERA,
W/O.BADARUDHEEN, CHAKKITTAKANDY HOUSE, PERUMPALLY P.O.,
THAMARASSERY, KOZHIKODE-682 314.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
31.05.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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K.VINOD CHANDRAN & C.JAYACHANDRAN, JJ

W.P. (Cr1) No.476 of 2022

Dated this the 31st May, 2022

JUDGMENT

Vinod Chandran, J.

The petitioner is said to be in a relationship with the daughter of respondents 4 & 5. The relationship is opposed by the parents of the petitioner as also the respondents 4 & 5. It is the averment of the petitioner that having decided to live as a couple, the petitioner and the alleged detenu took shelter at a Safe Home in Kozhikode and then informed their respective parents. The respective parents, after promising a settlement, took them to the residence of a relative of the petitioner. The alleged detenu was forcefully removed from that house and the father of the petitioner, who also returned from abroad, is said to have assaulted the petitioner. The petitioner again took shelter in a Safe Home at Aluva and has now filed the above writ petition alleging

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illegal detention of her partner by respondents 4 and 5.

2. We had in fact taken notice of a newspaper report on 30.05.2022 and directed the Government Pleader to get instructions. A report of the Deputy Superintendent of Police, Aluva was placed before us wherein it has been stated that there is an FIR registered against the father of the petitioner and that the petitioner is now placed in a Safe Home. The report also indicates that the officer tried to talk to the alleged detenu over telephone and her mother had informed the Officer that the detenu went with them on her own free will. The report dated 30.05.2022 produced before us in chambers is marked as Ext.C1. We were not convinced about the claim made by the mother of the detenu and were contemplating a *suo moto* writ petition. However in Court, an Advocate of this Court sought for moving a Writ Petition (Crl.) as a today matter concerning the subject detention.

3. We directed the Registry to send up the matter at 1.45 p.m and when we took it up, we were

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informed that both the petitioner and detenue were present at the Binanipuram Police Station along with their respective parents. The learned Government Pleader also informed us that the parents are now amenable and that the petitioner and the detenue could be produced within an hour. We hence directed production of both the petitioner and the detenue before us.

4. We first talked to the detenue who was very firm in her resolve to continue the relationship. On a query as to whether there was any illegal detention, the detenue categorically informed us that she has no complaint against her parents; but she wished to go with the petitioner. We also called the petitioner to the chambers and she too expressed her resolve to continue the relationship. Both the petitioner and the detenue are adults and graduates, who have now obtained an employment as is seen from Exts.P3 and P3(a). We also interacted with the Circle Inspector of Police Sunil V.R, Binanipuram Police Station, Ernakulam Rural. He informed us that parents are now reconciled to what the children

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desire. He has also produced before us consent letters issued by the respective parents. The true copies of which are marked as Exts.C2 and C3. The original produced before us shall be returned to the learned Government Pleader for re-transmission to the police to maintain in their records.

5. We were of the opinion that the petitioner and the daughter of respondents 4 & 5 should be left to live their lives as per their informed choice. We direct that the couple, as per their wish, be taken back to the Safe Home now. They intend to join the employment as offered in Ext.P3 series. We find no reason to hold them back.

The Writ Petition would stand allowed.

Sd/-K.VINOD CHANDRAN, JUDGE

Sd/-C.JAYACHANDRAN, JUDGE

APPENDIX OF WP (CRL.) 476/2022

PETITIONER EXHIBITS

- Exhibit P1 JOINT PHOTOGRAPHS OF THE PETITIONER AND THE
DETENUE.
- Exhibit P2 THE SCREENSHOTS OF INSTAGRAM CHAT BETWEEN THE
PETITIONER AND THE DETENUE.
- Exhibit P3 THE TRUE COPY OF THE OFFER LETTERS ISSUED IN
THE NAME OF PETITIONER DETENUE DATED
18.01.2022 BY CSS CORP, CHENNAI.
- Exhibit P3 A THE TRUE COPY OF THE OFFER LETTERS ISSUED IN
THE NAME OF THE DETENUE DATED 18.01.2022 BY
CSS CORP, CHENNAI.
- Exhibit P4 THE TRUE COPY OF THE FIR DATED 24.05.2022
WITH CRIME NO.411/2022 OF BINANIPURAM POLICE
STATION.
- Exhibit P5 THE TRUE COPY OF THE COMPLAINT DATED
30.05.2022 ISSUED BY THE 3RD RESPONDENT.
- Exhibit P5 A THE TRUE COPY OF THE RECEIPT DATED 30.05.2022
ISSUED BY THE 3RD RESPONDENT.
- Exhibit P6 THE TRUE COPY OF THE COMPLAINT DATED
30.05.2022 TO THE 5TH RESPONDENT.
- Exhibit P6 A TRUE COPY OF THE RECEIPT DATED 30.05.2022
ISSUED BY THE 2ND RESPONDENT.
- Exhibit P7 THE SCREENSHOT OF THE MAIL CONFIRMING THE
DELIVERY OF THE COMPLAINT TO THE 1ST
RESPONDENT.
- Exhibit P8 THE TRUE COPY OF THE JUDGMENT DATED
24.09.2018 IN WP (CRL.) 372/2018.

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RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE