
(2021) 01 KL CK 0548
In the High Court Of Kerala
Case No : Writ Petition (Crl) No. 4 Of 2021

Aiswarya Vinayan

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0548

Hon'ble Judges : K. Vinod Chandran, J;M.R. Anitha, J

Bench : Division Bench

Advocate : Majida S, K.B. Ramanand

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J

1. Petitioner is concerned with her father, who is said to be missing and who is said to have left the house with the ornaments of the petitioner. To

enable her to file the above writ petition she also submits that her father is in the illegal custody of the party respondents.

2. The Police have filed a report in which it is stated that, on 23.11.2019, petitioner's father was found missing and the petitioner's mother had

registered a complaint. On investigation it was revealed that there was a quarrel in the house, after which the missing person left the house. On

25.11.2019, the missing person himself turned up before the Medical College Police Station and his statement was recorded. It was also stated by him

before the Police that he had left the house because of the mental and physical torture inflicted on him by his wife.

3. Later again, the wife of the alleged detainee instituted a complaint on 01.01.2020. At that point also the missing person turned up at the Medical

College Police Station and gave a similar statement. Later the petitioner, who is the daughter of the missing person instituted a complaint on

24.12.2020, alleging that her ornaments were taken away by her father. The police during investigation was reliably informed that certain ornaments

were pledged by the father of the petitioner. The police are proceeding with the investigation and are also attempting to trace out the whereabouts of

the missing person.

4. Learned Counsel for the complainant submits that, there is a statement made by the police that her father along with his mother went to the

K.S.F.E to renew the loan, but on perusal of the register maintained there, it does not show the grand mother of the petitioner having visited K.S.F.E

on the said date. The Police have merely reported, what the mother of the missing person told them and it is for the Police to verify the same in the

investigation. However, that does not detract from the fact that there is no question of any illegal detention of the missing person since the Police

categorically say that there is nothing to show that the party respondents have illegally detained the petitioner's father.

5. On complaints made by the petitioner's mother twice, the missing person had turned up at the Police Station and gave categoric statements that he

has left the house due to the physical and mental torture inflicted on him by his wife and daughter. It was also categorically stated by him that they

wanted to take him to Bangalore where his daughter is residing, with ulterior motives.

In such circumstances, we do not find any cause for issuing a Writ of Habeas Corpus. We find that the Writ Petition itself is a clear abuse of process

of Court and dismiss it accordingly.