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(2014) 11 KL CK 0093

In the High Court Of Kerala

Case No : WP(Crl.). No. 466 of 2014 (S)

Nithin Sajan — APPELLANT

Vs

The Sub Inspector of Police — RESPONDENT

Date of Decision : 19-11-2014

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : (2014) 11 KL CK 0093

Hon'ble Judges : V.K. Mohanan, J;K. Harilal, J

Bench : Division Bench

Advocate : C. Harikumar, C.B. Anuroopa, Vipin Varghese and Abey Joseph, Advocate for the Appellant; P.S. Abdul Kareem and Jaice Jacob, Advocate for the Respondent

Judgement

V.K. Mohanan, J.—The petitioner has preferred the above writ petition under Art. 226 of the Constitution of India stating that the petitioner and the daughter of the 2nd respondent viz., ''Geethu Jacob'', were in love and they have decided to conduct their marriage and it is the case of the petitioner that the petitioner and the detenue belong to Christian Community and as they are majors, there is no impediment in solemnization of their marriage. It is the further case of the petitioner that as the parents of the detenue is against the said relationship, the detenue, on her volition, came to the house of the petitioner on 5/11/2014 and refused to go back to her parental home, despite of his request. According to the petitioner, as no formal marriage was conducted, he tried to sent back the detenue to her house and informed her parents that their daughter is available in his house and thereafter, the 2nd respondent and parties came to his house and taken the detenue forcibly. According to the petitioner, on 7/11/2014 the detenue contacted the petitioner and informed him that she was under the illegal detention of the 2nd respondent and compelling her to marry another person. So, it is prayed to issue a writ of habeas corpus or any other appropriate writ, order or direction to the 1st respondent to produce the body of Geethu Jacob before this Court.

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2. While admitting the above writ petition on 12/11/2014 and issuing notice to the 2nd respondent, he is directed to produce the detenue before this Court on this day. Accordingly, when the matter is taken up today, the detenue is produced. We have interacted with the detenue as well as with the petitioner and also interacted with the 2nd respondent and his wife. We have heard the learned counsel appearing for the petitioner and the 2nd respondent.

3. During our interaction with the detenue, she submitted before us that she is a B.Tech. holder and now she is working as Sales Manager in the HDFC Bank. So also, she submitted that she is in love with the petitioner and already chosen the petitioner as her life partner. However, the detenue has categorically stated before us that she is not under the illegal confinement of anybody, including the 2nd respondent, her father; but she is not prepared to marry any person other than the petitioner. During our interaction with the 2nd respondent and his wife, they submitted before us that if the detenue is prepared to come along with them, they are happy and they will not insist the detenue for any marriage against her wish and will. The said submission is recorded.

4. The petitioner, during our interaction, submitted before us that the 2nd respondent has already published a matrimonial advertisement inviting bridegroom for his daughter and therefore, the present stand of the 2nd respondent cannot be believed. As the detenue categorically deposed before us that she is not prepared to marry any person other than the petitioner, and particularly the 2nd respondent and his wife submitted before us that they will not make arrangement for marriage of their daughter against her will and wish, we need not consider the submission made by the petitioner.

5. As the daughter of the 2nd respondent is not under the illegal confinement, as per her own words, there is no scope for any further enquiry under this proceeding and no orders are warranted. Under the above circumstances, we are closing this writ petition and the detenue is free to go along with the 2nd respondent, who is directed that he shall not insist the detenue for any other marriage against her will and wish.

This writ petition is closed accordingly.

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