

(2010) 08 KL CK 0234

In the High Court Of Kerala

Case No : Writ Petition (Criminal) No. 240 of 2010 (S)

Piusa Hareesh

APPELLANT

Vs

The Superintendent of Police and Others

RESPONDENT

Date of Decision : 03-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0234

Hon'ble Judges : R. Basant, J;M.C. Hari Rani, J

Bench : Division Bench

Advocate : C.P. Peethambaran, for the Appellant; K. Manoj Chandran, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—This judgment must be read in continuation of our earlier orders resting with the order dated 02.07.2010. The petitioner and the alleged detenu are admittedly married to each other. They have been married under the provisions of the Special Marriage Act on 04.09.2008. The petitioner came to this Court with this petition on 22.06.2010. She raised the allegation that the alleged detenu, her husband, was being illegally detained and confined by respondent Nos. 4 to 7.

2. Parties appeared before the Court. We had interacted with them. On 01.07.2010, both spouses left the Court expressing their intention to harmoniously settle their disputes.

3. They came before Court again on 02.07.2010. Everything appeared to be rosy on that day. They reported that though they have practically settled all their disputes and are living together, they wanted for time to bring to termination all pending proceedings. Accordingly their request was accepted and the case was posted to 30.07.2010.

4. Today when the case came up for hearing, the petitioner and the respondent are present. The alleged detenu has appeared before Court. Respondent Nos. 4

to 6 are represented by a counsel.

5. We are informed that though the spouses continued to reside together happily, from 02.07.2010 to 17.07.2010 they have not been living together harmoniously thereafter. Subsequently on some dates also the alleged detenu had resided with the petitioner, it is submitted.

6. It is not necessary for us to go into details. Suffice it to say that we are satisfied that the spouses are not able to harmoniously cohabit now. We find it unnecessary to pursue the efforts for a harmonious settlement in the present proceedings.

7. In a petition for issue of a writ of habeas corpus, we are primarily concerned with the question whether the alleged detenu is under any illegal confinement or detention. We are satisfied that the alleged detenu is not under any such confinement or detention. Even the petitioner now appears to accept that the alleged detenu is not residing with her not because he is under any confinement or detention, but on his own volition. We are satisfied that no further directions are necessary in this petition in these circumstances.

8. In the result:

a) This Writ Petition is dismissed;

b) The alleged detenu, an adult major person, aged 29 years, is permitted to leave the Court as desired by him;

c) We make it clear that the dismissal of this petition will not in any way fetter the rights of the parties to initiate appropriate proceedings and claim appropriate relief from each other in accordance with law. We have not intended to express any opinion on the contumacious responsibility of either of them for the strain in their relationship.