
(2021) 06 KL CK 0070
In the High Court Of Kerala
Case No : Writ Petition (Crl.) No. 144 Of 2021

Syamraj

APPELLANT

Vs

Jayakumar

RESPONDENT

Date of Decision : 03-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0070

Hon'ble Judges : A. K. Jayasankaran Nambiar, J;Gopinath P, J

Bench : Division Bench

Advocate : T.C.Suresh Menon, P.S.Appu, S.R.Aneesh, Saigi Jacob Palatty

Final Decision : Dismissed

Judgement

Gopinath, J:

1. This writ petition has been filed by the petitioner seeking a writ of habeas corpus for the release of one Meenakshi from the alleged illegal custody

of the 1st respondent, who is her father and the 2nd respondent who is her paternal uncle. It is alleged in the writ petition that the petitioner and the

aforesaid Meenakshi were in love with each other and her relatives who are opposing the relationship have kept Meenakshi under illegal custody.

Considering the averments in the writ petition we thought it appropriate to interact with the aforesaid Meenakshi who stated to be a major aged 19

years. Accordingly, we have interacted with the aforesaid Meenakshi today through video conferencing. It is her definite statement that she is a

student studying in an Industrial Training Institute at Thiruvananthapuram, that she became acquainted with the petitioner, as the petitioner was

running a shop near her house, that she is not under the illegal custody of her father or uncle as alleged and that the petitioner was harassing her by

threatening her that he will circulate her photographs on social media.

2. We heard Sri. P.S. Appu and Sri. S.R. Aneesh, learned counsel who represented the petitioner, the learned Public Prosecutor for the official respondents. We also interacted with the petitioner who reiterated that he and the aforesaid Meenakshi were in love and that she is under pressure from her father and other family members to state to the contrary. It is also submitted by learned counsel for the petitioner that the father of the aforesaid Meenakshi is not a person of good repute and further that his brother, the 2nd respondent is a politically influential person.

3. A writ of habeas corpus will issue only if we find that the alleged detention of any person is illegal for any reason whatsoever. In our opinion, the aforesaid Meenakshi is very firm in her stand that she is not under any illegal custody and that she is not under any pressure from either her father or her uncle, the 2nd respondent. She is also firm in her stand that she does not wish to have any sort of relationship with the petitioner and that the petitioner had harassed her in the manner indicated above. We see no reason to doubt the genuineness of the statement made as aforesaid by Meenakshi. In the aforesaid circumstances, the writ petition must necessarily fail. Accordingly, the writ petition will stand dismissed.