

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE T.R.RAVI

FRIDAY, THE 24TH DAY OF APRIL, 2020 /4TH VAISAKHA, 1942

W.P.CRL. TEMP. NO.5 OF 2020.

Petitioner

Tomy P.C., aged 53 years, S/o. P.D. Chacko,
Padanamakkal House,
Edakunnam P.O.,
Kottayam District - 686512.

By Advocate Johnson Mathew Manayani

Benhur Joseph Manayani and
Jeevan Mathew Manayani

Respondents

1. Hakkim, S/o. Ashraf, aged around 23 years,
Thaiparambil House, Parathodu P.O., Parathodu,
Kottayam District - 686 512, mobile 9633706024.

2. The Sub Inspector of Police,
Kanjirapally Police Station,
Kanjirapalli P.O., Kottayam - 686 507.

3. The District Police Chief,
Collectorate, Collectorate P.O.,
Kottayam District - 686 002.

4. The State Police Chief, Vellayambalam,
Thiruvananthapuram - 695 001.

5. State of Kerala rep by its, Home Secretary,
Secretariate, Thiruvananthapuram - 695 001.

BY GOVT.PLEADER Shri P.P.THAJUDHEEN

THIS W.P.CRIMINAL (TEMP) HAVING COME UP FOR ORDERS ON 24/04/2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

ORDER

Devan Ramachandran, J.

This writ petition is admitted. Shri P.P.Thajudheen, learned Public Prosecutor, takes notice for respondents 2 to 5.

2. We have heard Shri Johnson Mathew Manayani and the learned Public Prosecutor quite in extenso today.

3. Shri Manayani submits that the detinue has been taken into illegal custody by the first respondent and that she is likely to be converted from Christianity to Islam. He submits that his client is the father of the detinue and that he fears for the life of the daughter; and thus fervently pleads that she be directed to be produced before this Court on the very next possible date.

4. Shri P.P.Thajudheen, learned Public Prosecutor submits that, contrary to the above allegations impelled by Shri Johnson Mathew Manayani, the detinue was already produced before the competent jurisdictional Magistrate, who has recorded her statement to the effect that she intends to marry or that she has already married the first respondent and wants to live with him. He says

that there is no impediment in producing the detenu before this Court, if it is so warranted.

5. Considering the submissions made before us, it is clear that the petitioner, who is the father of the detenu, asserts that his daughter never agreed to marry the first respondent and that he is forcing her to do so, after being converted to a different religion.

6. We are, therefore, of the view that, notwithstanding the fact – even if it is true – that the detenu has been produced before the competent jurisdictional Magistrate, it is imperative that the Police produce the detenu before this Court on the next posting date.

7. For the aforesaid purpose, we direct that notice to the first respondent be served through the Station House Officer of the nearest police station within the next two days, so that the first respondent can also be in a position to respond to the allegations against him by the next posting date.

8. At this time, after we dictated this order, Shri Johnson Mathew Manayani submitted that his client is also being threatened by the first respondent and that he fears for his own life. We,

W.P.Cr1.TEMP.NO.5/2020.

4

therefore, direct the second respondent to ensure that the life of the petitioner is adequately protected and that he is kept away from any harm at the hands of the first respondent.

Post on 28.4.2020.

**DEVAN RAMACHANDRAN
JUDGE**

**T.R.RAVI,
JUDGE**

ms/DSN

APPENDIX

EXHIBITS OF PETITIONER

Exhibit P1 true copy of the page No.1 of the petitioner's daughter's passport

Exhibit P2 true copy of the page No.2 of the Ration Card

Exhibit P3 True copy of the petition filed by the petitioner before the respondents 2 to 5 dt 18.4.2020

Exhibit P4 News Paper report in Deepika Daily dt 21.4.2020

W.P.Cr1.TEMP.NO.5/2020.

6

ORDER

Devan Ramachandran, J.

**DEVAN RAMACHANDRAN
JUDGE**

**T.R.RAVI,
JUDGE**