

BEFORE THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V. ASHA

&

THE HONOURABLE MRS. JUSTICE SHIRCY V

TUESDAY, THE 28TH OF APRIL 2020/8TH VAISAKHA 1942

W.P.(CRL.) TMP No. 5/2020

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 PUBLIC PROSECUTOR SRI. THAJUDEEN

THIS W.P.(CRL.) HAVING COME UP FOR ADMISSION ON 28.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Shircy V, J.

The alleged detinue, aged 19 years, has been produced before us by the SHO, Kanjirappally through video conferencing. We have interacted with the detinue and the first respondent. They submitted that they are in love with each other and have already filed application for registration of their marriage under the Special Marriage Act before the Sub Registrar's Office, Koovappally.

2. The learned Public Prosecutor on instructions, submitted that the detinue as well the first respondent can register their marriage under the Special Marriage Act only after 21.05.2020, as their application has been received only on 21.04.2020.

3. Since the detinue as well as Hakim, the first respondent, intend to register their marriage and to reside as husband and wife, we are of the view that as at present Kum. Dona Maria has to be accommodated in a safe place as agreed to by her. She is not ready to go to her house along with her father. As suggested by us, the learned Public Prosecutor has ascertained and submitted that she can be accommodated in Assissi Kripa Bhavan, Mundakayam run by nuns and

consent has been received from that institution.

4. Since both Dona Maria and Hakim have agreed to our suggestion, we hereby direct Dona Maria to be accommodated at Assissi Kripa Bhavan, Mundakayam today itself by the SHO, Kanjirappally. The expenses for accommodating her will be met by the first respondent Hakim as agreed by him. The authorities of Assissi Kripa Bhavan shall admit and accommodate her. She shall be permitted to contact Hakim through mobile phone or through video call till she vacates the institution. She can also be permitted to meet Hakim, if the Government lifts lock down before 21.05.2020. She shall be accommodated in Assissi Kripa Bhavan till 21.05.2020.

5. The SHO, Kanjirappally can take the detenu to Assissi Kripa Bhavan and admit her there as directed by this Court. The petitioner is permitted to talk with the detenu for sometime before taking her to the institution. The SHO shall report the matter to this court through the Public Prosecutor.

Post on 21.05.2020.

P.V. ASHA, JUDGE

SHIRCY V, JUDGE

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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