



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE VIJU ABRAHAM

TUESDAY, THE 3RD DAY OF OCTOBER 2023 / 11TH ASWINA, 1945

WP (CRL.) NO.985 OF 2023

PETITIONER :-

ARJUN RAJASEKHAR, AGED 23 YEARS
S/O.RAJASEKHARA PILLAI P N, PARIYARATHUKUNNEL HOUSE,
PONKUNNAM P O, NEAR K V M S HOSPITAL, KANJIRAPALLY,
CHIRAKKADAVU, KOTTAYAM, KERALA, PIN - 686 506.

BY ADVS.
NAVANEETH.N.NATH
GAUTHAM KRISHNA E.J.
ABHIRAMI S.

RESPONDENTS :-

- 1 DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEADQUARTERS,
THIRUVANANTHAPURAM-695 010.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF DEPUTY SUPERINTENDENT OF POLICE,
KANJIRAPILLY, KOTTAYAM, PIN - 686 002
- 3 THE CIRCLE INSPECTOR OF POLICE
KANJIRAPALLY POLICE STATION,
KOTTAYAM DISTRICT - 686 507
- 4 AJMAL AJI
AJEENA MANZIL, POOTHAKUZHY, KANJIRAPALLY PO,
KOTTAYAM - 686 507

BY SRI.P.M.SHAMEER, GP
BY SRI.AFSALKHAN V.S.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 03.10.2023, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

**JUDGMENT****Dated this the 3rd day of October, 2023****Anu Sivaraman, J.**

Heard the learned counsel for the petitioner, the learned Government Pleader as well as the learned counsel appearing for the 4th respondent. We have also interacted with the petitioner, the alleged detenu, Sumayya Ajimal and the 4th respondent, Ajimon Abdul Karim. It is submitted that the name of the 4th respondent is incorrectly shown in the cause title of the writ petition.

2. The detenu Sumayya Ajimal states that she is well educated and is working in the Indian Railways. The petitioner is also a Lance Naik in the Indian Army. The detenu states that she is being pressurised to give up her relationship with the petitioner by her father, mother and other relatives and that she does not intend to do so. She has clearly expressed her intention to accompany the petitioner and states that they are intending to get married and to live together as man and wife.



3. It is also stated by the petitioner that they intend to give notice of an intended marriage under the Special Marriage Act tomorrow itself at the Office of the concerned Registrar of Marriages and that the family of the petitioner is ready and willing to look after the detinue till the marriage is solemnized.

4. It is submitted by the learned counsel appearing for the 4th respondent that the 4th respondent is ready and willing to give all the personal effects of the detinue including her certificates to her so that she can accompany the petitioner and that they do not intend to hold her forcibly against her wishes.

5. Having considered the contentions advanced and having heard the parties at length, we are convinced that the detinue is an educated employed adult and that she has taken the decision to accompany the petitioner on her own free will.

In the above circumstances, we are of the opinion that she cannot be detained against her will. Sumayya Ajimal is, therefore, set at liberty to accompany the petitioner. The petitioner submits that all necessary steps to ensure her safety



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will be taken by him and his family. Necessary steps for conducting the marriage will also be taken by them. In case the petitioner or the detenu apprehend any threat to their lives or well being from any quarters, they may inform the 3rd respondent, who shall afford necessary protection to the lives of the petitioner, the detenu and the family members of the petitioner, as found necessary.

This writ petition is ordered accordingly.

**Sd/-
ANU SIVARAMAN
JUDGE**

**Sd/-
VIJU ABRAHAM
JUDGE**



APPENDIX OF WP (CRL.) 985/2023

PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF THE LEAVE CERTIFICATE DATED
05.09.2023 ISSUED BY THE BATTALION COMMANDER OF
THE 94/4 MEDIUM REGIMENT

Exhibit P2 A TRUE COPY OF THE COMPLAINT DATED 26-09-2023
SUBMITTED BY THE PETITIONER BEFORE THE SECOND
RESPONDENT

Exhibit P3 A TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED
26-09-2023 ISSUED BY THE SECOND RESPONDENT