



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

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THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP (CRL.) NO. 421 OF 2025

PETITIONER:

BOBIN BABU, AGED 30 YEARS, S/O. BABU, CHAKKUMKULATHU
HOUSE, SWARAJ KARA, KANCHIYAR VILLAGE, IDUKKI TALUK,
IDUKKI DISTRICT., PIN - 685511

BY ADV TOM E. JACOB

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 THE DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS,
THIRUVANANTHAPURAM, PIN - 695010
- 3 THE STATION HOUSE OFFICER, THE STATION HOUSE OFFICER,
ETTUMANOOR POLICE STATION, KOTTAYAM, PIN - 691583
- 4 ANJU ANIYAN, AGED 24 YEARS, D/O. ANIYAN, CHIRACKAL HOUSE,
CHINGAVANAM KARA, CHINGAVANAM P.O., PANACHIKKAD VILLAGE,
KOTTAYAM TALUK, KOTTAYAM DISTRICT., PIN - 686531
- 5 ANIYAN, AGED 50 YEARS, S/O DANIEL, CHIRACKAL HOUSE,
CHINGAVANAM KARA, CHINGAVANAM P.O., PANACHIKKAD VILLAGE,
KOTTAYAM TALUK, KOTTAYAM DISTRICT., PIN - 686531
- 6 KUNJUMOL, AGED 48 YEARS, W/O ANIYAN, CHIRACKAL HOUSE,
CHINGAVANAM KARA, CHINGAVANAM P.O., PANACHIKKAD VILLAGE,
KOTTAYAM TALUK, KOTTAYAM DISTRICT., PIN - 686531.

BY ADV AKHIL VIJAY

SRI P M SHAMEER-GP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

Devan Ramachandran, J.

The petitioner alleges that the 4th respondent is detaining his daughter, admitting that she is his wife and the mother of the detainee. He further imputing that respondents 5 and 6 are protecting the 4th respondent; and, prays that the alleged detainee be brought before this Court.

2. We had issued notice to respondents 4 to 6 by special messenger on 4.4.2025, hearing the learned counsel for the petitioner as afore; and in response to the same, the 4th respondent was present before us personally, along with the alleged detainee.

3. We interacted with the parties and found the child to be very comfortable with both the petitioner and the 4th respondent - being her parents and this is not unusual since the young has apparently equal affection for both of them.

4. However, it must be borne in mind that we are only exercising power under the Habeas Corpus jurisdiction; and obviously, our enquiry is limited to whether the alleged detainee is under illegal detention.



5. The learned counsel for the petitioner - Sri. Tom E Jacob, submitted that his client has been constrained to approach this Court because the 4th respondent is not appearing before the learned Family Court, before which there are matters pending.

6. It is obvious that this Court cannot intervene because this case is edified on the allegation that the 4th respondent is not answering the summons of the Family Court; and obviously we cannot be called upon to force her to do so, albeit in an oblique manner through a petition of this nature.

7. In the afore circumstances and since we are sure in our mind that the child is not under detention, but is with her mother without any compulsion, we dismiss this Writ Petition; however, clarifying that both sides will be entitled to invoke every other remedy as may be available to them in law.

8. After we dictated this part of the judgment, the learned counsel for the petitioner requested that his client be granted visitation/interim custody rights over the child. He asserted that his client has already been granted permanent custody by the learned Family Court in another Original Petition. The learned counsel for the



respondent Sri.Akhil Vijay, however, submitted that the aforesaid decree is an ex parte one, obtained by the petitioner citing a wrong address of his client; and that since she has come to be aware of this only now, she intends to challenge it appropriately.

In the afore circumstances, this Court cannot pass any further orders in this matter; since the parties will have to move the learned Family Court for orders, as they are advised.

sd/-

DEVAN RAMACHANDRAN, JUDGE

sd/-

M.B. SNEHALATHA, JUDGE

jes



APPENDIX OF WP (CRL.) 421/2025

PETITIONER EXHIBITS

- Exhibit P1 THE COPY OF THE JUDGMENT IN O.P (RES) 279/2024
DATED 3.12.2024 OF THE HONOURABLE FAMILY COURT
KATTAPPANA
- Exhibit P2 THE COPY OF THE O.P (G&W) NO.844/2024 FILED BEFORE
THE FAMILY COURT, ETTUMANOOR
- Exhibit P3 THE COPY OF THE COMPLAINT DATED 4.5.2024 FILED
BEFORE THE CHILD WELFARE OFFICER PAINAVE
- Exhibit P4 THE COPY OF THE COMPLAINT DATED 27.4.2024 FILED
BEFORE THE S.H.O KATTAPPANA.