

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE VIJU ABRAHAM

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

WP (CRL.) NO.985 OF 2023

**PETITIONER :-**

ARJUN RAJASEKHAR,

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

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 3<sup>rd</sup> 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 4<sup>th</sup> respondent. We have also interacted with the petitioner, the alleged detenu, Sumayya Ajimal and the 4<sup>th</sup> respondent, Ajimon Abdul Karim. It is submitted that the name of the 4<sup>th</sup> 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 detenue till the marriage is solemnized.

4. It is submitted by the learned counsel appearing for the 4<sup>th</sup> respondent that the 4<sup>th</sup> respondent is ready and willing to give all the personal effects of the detenue 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 detenue 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 3<sup>rd</sup> 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**

Jvt/3.10.2023

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**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