



2023:KER:33551

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

MONDAY, THE 19TH DAY OF JUNE 2023 / 29TH JYAISHTA, 1945

WP(CRL.) NO. 555 OF 2023

PETITIONER:

SUMAYYA SHERIN
AGED 21 YEARS
C/O ALI E, PUTHENPEDIKKAKKAL HOUSE, KIZHISSERI,
KUZHIMANNA POST, MALAPURAM , KERALA 673641 NOW
RESIDING AT VALETHUPUTHANPURAKKAL HOUSE,
AIKKANAD NORTH, KUNNATHUNADU, KOLANCHERY
BY ADVS.
ANEESH K.R
SAURAV B.

RESPONDENTS:

- 1 THE DIRECTOR GENERAL OF POLICE
DGP OFFICE, POLICE HEAD QUARTERS,VAZHUTHACAUD,
THIRUVANANTHAPURAM, KERALA, PIN - 695010
- 2 SUPERINTENDENT OF POLICE ERNAKULAM
REVENUE TOWER, MARINE DRIVE, ERNAKULAM, KERALA,
PIN - 682011
- 3 THE STATION HOUSE OFFICER PUTHENCRUZ
PUTHENCRUZ POLICE STATION,CHOONDI, KOCHI-
MADURAI- TONDI POINT RD, PUTHENCRUZ, ERNAKULAM,
PIN - 682308
- 4 THE STATION HOUSE OFFICER KONDOTTY
KONDOTTY POLICE STATION, KONDOTTY, MALAPURAM,
PIN - 673638
- 5 MOIDEEN C.S.
AGED 50 YEARS
CHERICHIKKAVIL HOUSE, CHULLIKODE, THAVANNOOR
P.O., MUTHUVALLUR, TAVANUR, FAROKE, MALAPURAM,
PIN - 673641



- 6 **SULAIKA**
AGED 45 YEARS
W/O MOIDEEN C.S., CHERICHIKKAVIL HOUSE,
CHULLIKODE, THAVANNOOR P.O., MUTHUVALLUR,
TAVANUR, FAROKE, MALAPURAM, PIN - 673641
- 7 **NOUFAL**
S/O UNKNOWN, CHERICHIKKAVIL HOUSE, CHULLIKODE,
THAVANNOOR P.O., MUTHUVALLUR, TAVANUR, FAROKE,
MALAPURAM, PIN - 673641
BY ADVS.
VAISAKHI V
BABU KARUKAPADATH(B-13)
M.A.VAHEEDA BABU(V-4)
P.U.VINOD KUMAR(K/647/2002)
ARYA RAGHUNATH(K/000474/2018)
T.M.MUHAMMED MUSTHAQ(K/000261/2018)
AJWIN P LALSON(K/001394/2018)
KARUKAPADATH WAZIM BABU(MAH/8319/2019)
P.LAKSHMI(K/001868/2021)
AYSHA E.M.(K/001130/2022)
SHIFANA KAISE(K/001171/2023)
SRI.E.C.BINEESH, PUBLIC PROSECUTOR

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 19.06.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



P.B.SURESH KUMAR & SHOBA ANNAMMA EAPEN, JJ.

W.P.(Crl) No.555 of 2023

Dated this the 19th day of June, 2023.

J U D G M E N T

P.B.Suresh Kumar, J.

This is a proceedings seeking a writ of *habeas corpus* directing the official respondents to produce before this Court , the daughter of respondents 5 and 6 and to set her free.

2. It is alleged by the petitioner in the writ petition that she is a lesbian owing to her sexual orientation; that is also a lesbian; that they were residing together for a while and that on 30.05.2023, respondents 5 to 7, the parents and brother of entered the mobile shop where the petitioner and were working and forcefully took her to their house. The case set out by the petitioner in the writ petition, in the circumstances, is that is under the illegal detention of respondents 5 to 7.



3. Pursuant to the direction issued by this Court, [redacted] was produced before us today. The petitioner was also present in court. We have interacted with [redacted] as also the petitioner separately.

4. In the course of our interaction, when we ascertained from [redacted] whether she is in any form of detention, [redacted] stated that although she was living with the petitioner for sometime, she does not now wish to continue to live with the petitioner and that she is residing with her parents on her own volition. When we enquired with [redacted] whether she would like to state anything more to the court, she stated that her Aadhaar card and a few other documents are with the petitioner, and requested us to direct the petitioner to return the same to her.

5. During our interaction with the petitioner, we have informed her that [redacted] has submitted before us that she does not wish to continue to live with the petitioner. We have also ascertained from the petitioner as to whether she is in possession of any of the documents of [redacted]. In response to the said query, the petitioner stated that she is in possession of a few documents of [redacted] and she has brought the same to the court today. She has also



expressed her willingness to return the documents to .

6. Though we have ascertained from whether she would like to talk to the petitioner, she stated that she does not wish to talk with the petitioner.

7. Thereafter, we have called the petitioner and together to the Chambers so as to enable the petitioner to handover the documents of , and in our presence, the petitioner has handed over a bundle of documents to and from the said bundle, took her documents.

In the light of the statement made by before us, and the developments narrated above, we deem it appropriate to close the writ petition (Crl). Ordered accordingly.

Sd/-

P.B.SURESH KUMAR, JUDGE.

Sd/-

SHOBA ANNAMMA EAPEN, JUDGE.

Mn



APPENDIX OF WP(CRL.) 555/2023

PETITIONER EXHIBITS

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| Exhibit P1 | THE PHOTOGRAPHS OF THE PETITIONER AND THE DETENUE |
| Exhibit P1(A) | THE SCREENSHOT OF THE CHAT BETWEEN THE PETITIONER AND THE DETENUE |
| Exhibit P2 | THE TRUE COPY OF THE FIR DATED 27.01.2023 IN CRIME NO 108/2023 OF KONDOTY POLICE STATION |
| Exhibit P3 | THE TRUE COPY OF THE RENTAL AGREEMENT DATED 02.05.2023 |
| Exhibit P4 | THE TRUE COPY OF THE POLICE COMPLAINT DATED 30.05.2023 TO THE 3RD RESPONDENT |
| Exhibit P4 (A) | THE RECEIPT DATED 30.05.2023 ISSUED BY THE 3RD RESPONDENT |
| Exhibit P5 | THE SCREENSHOT OF THE EMAIL SEND BY THE PETITIONER TO THE 4TH RESPONDENT |
| Exhibit P6 | THE SCREENSHOT OF THE EMAIL SEND BY THE PETITIONER TO THE 2ND RESPONDENT |
| Exhibit P7 | THE SCREEN SHOT OF THE EMAIL SEND BY THE PETITIONER TO THE 1ST RESPONDENT |
| Exhibit P8 | THE TRUE COPY OF THE JUDGMENT DATED 24.09.2018 IN WP(CRL) 372/2018 OF HONOURABLE HIGH COURT OF KERALA |