

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 650 of 2015 (E)

PETITIONERS:-

1. SARATH SADASIVAN, AGED 24 YEARS
S/O.SADASIVAN, "THIRUVATHIRA", S.N.NAGAR
KATTAKKADA, THIRUVANANTHAPURAM - 695 572.
2. ANSI M.K., AGED 22 YEARS
W/O.SARATH SADASIVAN, "THIRUVATHIRA", S.N.NAGAR
KATTAKKADA, THIRUVANANTHAPURAM - 695 572.
3. SADASIVAN, AGED 65 YEARS
"THIRUVATHIRA", S.N.NAGAR, KATTAKKADA
THIRUVANANTHAPURAM - 695 572.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.PRATHAP PILLAI
SRI.BENOJ C AUGUSTIN
SRI.SEBIN THOMAS
SRI.VISHNU BHUVANENDRAN

RESPONDENTS:-

1. STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY, HOME DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE SUB INSPECTOR OF POLICE,
KATTAKKADA POLICE STATION
THIRUVANANTHAPURAM - 695 572.
3. THE INSPECTOR OF POICE (CIRCLE INSPECTOR),
KATTAKKADA POLICE STATION
THIRUVANANTHAPURAM - 695 572.
4. THE SUPERINTENDENT OF POLICE (RURAL),
KATTAKKADA, THIRUVANANTHAPURAM - 695 572.

5. KABEER M.,
S/O.MYTHEENSA, KUZHIVILAKATH VEEDU, NEAR POST OFFICE
KATTAKKADA, THIRUVANANTHAPURAM - 695 572.

6. NISHAR M.,
S/O.MYTHEENSA, KUZHIVILAKATH VEEDU, NEAR POST OFFICE
KATTAKKADA, THIRUVANANTHAPURAM - 695 572.

R5-R6 BY ADV. SRI.G.P.SHINOD

R5-R6 BY ADV. SRI.RAM MOHAN.G.

R5-R6 BY ADV. SRI.MANU V.

R5-R6 BY ADV. SRI.GOVIND PADMANAABHAN

R5-R6 BY ADV. SRI.AJIT G.ANJARLEKAR

R1-4 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE PETITION DATED 30.12.2014 FILED BY THE 3RD PETITIONER
ALONG WITH ITS RECEIPT AND ITS ENGLISH TRANSLATION.

EXHIBIT P2. TRUE COPY OF COMPLAINT ALONG WITH ITS ENGLISH TRANSLATION
SUBMITTED BY PETITIONERS 1 AND 2 DATED 01.01.2015 BEFORE THE 2ND
RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 650 OF 2015

Dated this the 3rd day of February, 2015

JUDGMENT

Shaffique, J.

Petitioners have approached this Court seeking for police protection. It is inter alia stated that first petitioner has married the second petitioner in accordance with law. Their marriage was not supported by fifth respondent, second petitioner's father. Sixth respondent is the uncle of the second petitioner. Respondents 5 and 6, and their henchmen has threatened and harassed the third petitioner who is a heart patient. It is alleged that on account of the threat, petitioners 1 and 2 are unable to live peacefully and continue their studies. Though complaint was given to the police seeking police protection, no action has been taken in the matter, therefore petitioners have approached this Court.

2. Counter affidavit is filed by 6th respondent inter alia stating that engagement of the second petitioner was on 14.12.2014 and the ceremony was conducted with her consent, but she has eloped along with first petitioner. She

has also taken away 30 sovereigns of gold ornaments, in which some of them were given by their near relatives. They deny the allegation that they have threatened the petitioners. It is also submitted by learned counsel for the private respondents that respondents 5 and 6 do not intend to harm any of the petitioners whereas they want to get back the gold ornaments taken by the second petitioner.

3. A reply affidavit has been filed by petitioners inter alia stating that second petitioner has not taken 30 sovereigns as alleged, whereas she is only in possession of 10 sovereigns which she was wearing at the relevant time. So far as the claim for gold ornaments are concerned, we do not think that we should express any opinion on the allegation made by both parties. It is always open for the parties to approach appropriate forum and seek their remedy.

4. Having regard to the submission of learned counsel for respondents 5 and 6 that they do not intend to cause any harm to petitioners, we record the submission. However, it is observed that if there is any threat from respondents 5 and 6 or

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their men, on the complaint of the petitioners, Police shall take appropriate action in accordance with law.

The Writ Petition is accordingly closed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/03/02