

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

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C) .No. 1368 of 2015 (U)

PETITIONER(S) :

1. ASWATHY M.V. (NAME CHANGED AS AFSA) AGED 19 YEARS
W/O. SIRAJ, D/O. VINODKUMAR, MALAYUDE PADINJATTETHIL
PANDALAM, KUDASSANAD P.O - 689 512, ADOOR TALUK
PATHANAMTHITTA DISTRICT.

2. SIRAJ AGED 23 YEARS
S/O. SHAJAHAN K.S., KAKKAKUZHYYIL HOUSE, THONALLUR
PANDALAM P.O. - 689 501, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SAKIR.K.H.

RESPONDENT(S) :

1. THE SUB INSPECTOR OF POLICE, PANDALAM POLICE STATION

2. THE DEPUTY SUPERINTENDENT OF POLICE
PATHANAMTHITTA.

3. VINODKUMAR, AGED 49 YEARS
S/O. NARAYANAN NAIR, MALAYUDE PADINJATTETHIL, PANDALAM
KUDASSANAD P.O - 689 512, ADOOR TALUK
PATHANAMTHITTA DISTRICT.

4. THE STATE OF KERALA
REPRESENTED BY THE HOME SECRETARY
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT
TRIVANDRUM.

R1, R2 AND R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1368 of 2015 (U)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE CERTIFICATE DT. 10.1.15 ISSUED BY THE SOUTH INDIA ISHA-ATHUL ISLAM SABAI, THIRUNELVELI.

P2 - TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE SOUTH INDIA ISHA-ATHUL ISLAM SABAI, THIRUNELVELI ON 10.1.15.

P3 - TRUE COPY OF THE NOTICE OF INTENDED MARRIAGE APPLIED BY THE PETITIONERS BY REGISTERED POST ON 08.1.15 UNDER SECTION 5 OF THE SPECIAL MARRIAGE ACT.

P4 - TRUE COPY OF THE POSTAL RECEIPT DT. 08.1.15 WITH REGARD TO THE SENDING OF EXT. P4 ISSUED FROM PANDALAM POST OFFICE.

P5 - TRUE COPY OF THE COMPLAINT DT. 08.1.15 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.

P5(A) - TRUE ENGLISH TRNASLATION OF EXT. P5.

P6 - TRUE COPY OF THE POSTAL RECEIPT DT. 08.1.15 WITH REGARD TO THE SENDING OF EXT. P5, ISSUED FROM PANDALAM POST OFFICE.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 1368 of 2015

Dated this the 14th January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to the third respondent, in view of the order, which is being issued.

2. The petitioners by this Writ Petition have prayed for a direction to the first respondent not to harass the petitioners or the family members of the second petitioner. The learned Government Pleader submits that on a complaint submitted by the third respondent, Crime No.48/15 has been registered for woman missing, i.e., petitioner No.1. The petitioners' case is that they have conducted their 'nikkah' and also were given notice for registration of their marriage under the Special Marriage Act. The learned Government Pleader submits that the

petitioners can appear before the Police authorities/Magistrate and get their statement recorded.

3. In view of the fact that a crime has already been registered, it is open for the petitioners to appear before the Police authorities/Magistrate concerned and take steps as advised.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs14/1/15