

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

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 1440 of 2015 (D)

PETITIONER(S) :

MERRY, W/O.YOHANNAN AGED 54 YEARS
JINU BHAVAN, CHERUKOLE MURI
CHENNITHALA VILLAGE, MAVELIKKARA.

BY ADVS.SRI.M.RAMASWAMY PILLAI
SMT.PREETHY R. NAIR

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HOME AFFAIRS
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695 001

2. DISTRICT CHIEF POLICE OFFICER
ALLEPPEY - 688 001

3. THE CIRCLE INSPECTOR OF POLICE
MANNAR POLICE STATION, MANNAR 688 011.

4. THE SUB INSPECTOR OF POLICE
MANNAR POLICE STATION, MANNAR 688011

5. KUMARI, ADVOCATE, D/O.P.C.BHUN
PARPPADAKULAM, THONAIKAUD P.O, CHENGANNOOR
ENNAIKADU VILLAGE, MANNAR 688 011.

6. P.C. BEN
PARPPADAKULAM, THONAIKAUD P.O, CHENGANNOOR
ENNAIKADU VILLAGE, MANNAR 688 011.

7. MONAYI
VAZHAKOTTATHIL, CHERUKOL P.O,
CHERUKOL MURI 688 012

WP(C).No. 1440 of 2015 (D)

8. YESUDASAN
VAZHAKOTTATHIL, CHERUKOL P.O,
CHERUKOL MURI 688 012

9. ANTONY ALIAS YOHANNAN ANTONY
CHAITHARA VEETTATHIL, CHERUKOL P.O
CHERUKOL P.O. CHERUKOL MURI, CHENNITHALA VILLAGE
NOW RESIDING AT SRAMBIKKAL CHIRAYIL VEEDU
PRAYAKKARA MURI, MAVELIKKARA P.O, 688 012

BY GOVERNMENT PLEADERSRI.C.R. SYAMKUMAR

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

WP(C).No. 1440 of 2015 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 - TRUE COPY OF THE ORDER DATED 1-9-2014
IN CMP 4868/14 IN M.C.91/2014 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT, CHENGANNUR

EXT.P2 - TRUE COPY OF THE COMPLAINT IN
MALAYALAM DATED 15-12-14 BY THE PETITIONER
AGAINST THE RESPONDENTS 5 TO9 BEFORE THE 4TH
RESPONDENT

EXT.P2 (A) - TRUE ENGLISH TRANSLATION OF
EXHIBIT P2.

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

.....
W.P. (C) No. 1440 of 2015 - D
.....

Dated this the 2nd day of February, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking police protection. Petitioner complains that the 9th respondent/her husband is threatening and manhandling her. He demanded that she should move out from the place of her residence. Petitioner approached the Judl. First Class Magistrate and obtained an order dated 1-09-2014 in M.C. No. 91/2014 as per which a direction has been issued to the respondents including the 9th respondent not to commit any act of domestic violence against the petitioner and that the respondents shall not dispossess the petitioner from the property. The complaint of the petitioner is that despite the

said order, the 9th respondent is still threatening the petitioner and she is unable to move out from her house. A complaint has been filed as Ext.P2 before the 4th respondent but no action has been taken in the matter.

2. The learned Government Pleader, on instructions, submitted that on the basis of the complaint Ext. P2, parties were summoned and they have reconciled the issues and the 9th respondent has agreed that he will not act in a manner as complained by the petitioner. Another complaint was filed by the petitioner against her son which was also reconciled between the parties. The learned Government Pleader submitted that there is no untoward incident reported thereafter.

3. Though notice was ordered to the 9th respondent, there is no appearance on his behalf.

4. Having regard to the nature of allegations, it is clear

that there is family dispute between the parties which they have to agitate before the appropriate forum. Petitioner can as well move the learned Magistrate for further orders. We only observe that if there is any offence being committed or any attempt to commit offence, the petitioner can approach the police who shall look into the matter and do the needful.

This Writ Petition is disposed of as above.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFIQU,
JUDGE

ani/