

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 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2142 of 2015 (P)

PETITIONER(S):

SADASIVAN T.K AGED 67 YEARS
S/O KANNANKUNJU, THAYYAPPURA HOUSE, POIKKATTUSSERY
CHENGAMANAD, ERNAKULAM DISTRICT.

BY ADVS. SRI. ESM. KABEER
SMT. K. RAJESWARY
SMT. AMINA BEEVI

RESPONDENT(S):

1. THANKAMANI
W/O SADASIVAN, THAYYAPPURA HOUSE, POIKKATTUSSERY
CHENGAMANAD, ERNAKULAM DISTRICT-683578
2. SATHEES
S/O SADASIVAN T.K., THAYYAPPURA HOUSE, POIKKATTUSSERY
CHENGAMANAD, ERNAKULAM DISTRICT-683578
3. SAJEEV
S/O SADASIVAN T.K., THAYYAPPURA HOUSE, POIKKATTUSSERY
CHENGAMANAD, ERNAKULAM DISTRICT-683578
4. SANEESH
S/O SADASIVAN T.K., THAYYAPPURA HOUSE, POIKKATTUSSERY
CHENGAMANAD, ERNAKULAM DISTRICT-683578
5. SURESH
S/O KANNANKUNJU, THAYYAPPURA HOUSE, POIKKATTUSSERY
CHENGAMANAD, ERNAKULAM DISTRICT-683578.
6. DASAN
S/O KANNANKUNJU, THAYYAPPURA HOUSE, POIKKATTUSSERY
CHENGAMANAD, ERNAKULAM DISTRICT-683578.
7. THE CIRCLE INSPECTOR OF POLICE
ANGAMALI POLICE STATION.
8. THE SUB INSPECTOR OF POLICE,
CHENGAMANAD - 683578.

R7 & 8 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2142 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ORDER IN M.C.NO.6/2011 DATED 6.3.2013 OF THE JUDICIAL
IST CLASS MAGISTRATE 1 ALUVA.

EXHIBIT P2: TRUE COPY OF THE ORDER IN CRL.M.P.NO.2164/13 DATED 27.7.2013 OF THE
COURT OF SESSIONS JUDGE, ERNAKULAM.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 7TH
RESPONDENT DATED 15.12.2014.

EXHIBIT P3(a): TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 7TH
RESPONDENT DATED 15.12.2014.

EXHIBIT P5: TRUE COPY OF THE ACKNOWLEDGMENT OF THE PETITION No.837/PTN/14
DATED 15.12.2014 ISSUED.

EXHIBIT P5(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P5.

EXHIBIT P6: TRUE COPY OF THE ACKNOWLEDGMENT OF THE PETITION NO.171438/2014
DATED 15.12.2014.

EXHIBIT P6(a): TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P6.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sou.

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

W.P.(C). No. 2142 of 2015

Dated this the 21st day of January, 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to private respondents in view of the order which is being passed.

2. By this writ petition, the petitioner has prayed for a mandamus directing the respondents 7 and 8 to afford adequate police protection to the petitioner's life and also his right to reside in the residential house situated in Re-Sy.No.734/2007 of Nedumbassery Village, Ernakulam District. First respondent is the wife of the petitioner and other private respondents are other relatives. First respondent has already initiated proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The order, Ext.P1 was passed on 6.3.2013 by the Judicial First Class Magistrate, Aluva. Several directions were given. One of the directions was that respondent is restrained

from disturbing the possession and residence of petitioner in the shared household. Criminal appeal No.365 of 2013 has already been filed against the said order. However, by an interim order, except regarding payment of maintenance, the operation of the order in Ext.P1 has been stayed. The matter being pending consideration in Criminal Appeal, and one of the reliefs claimed is already engaging attention and a direction has already been issued by the Magistrate in that regard, we are of the view that this writ petition could not be entertained in a police protection case. The remedy of the petitioner is to approach the court in the pending criminal appeal.

With this observation, the writ petition is closed.

Sd/-
**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

Sd/-
**A.M.SHAFFIQUE,
JUDGE.**

sou.