

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11669 of 2015 (G)

PETITIONER:

**SREEJITH N S, AGED 39 YEARS
S/O. LATE SREEDHARAN NAMBOODIRI,
NELLUVELI MANA, DI. SPICE GARDENS,
THAMARAKKULANGARA, TRIPUNITHURA.**

BY ADV. SRI.N.M.VARGHESE

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF HOME AFFAIRS, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.**
- 2. THE SUPERINTENDENT OF POLICE, ERNAKULAM DISTRICT
ERNAKULAM 682 011.**
- 3. THE CIRCLE INSPECTOR OF POLICE, TRIPUNITHURA,
TRIPUNITHURA P.O., ERNAKULAM DISTRICT 682 020**
- 4. THE SUB INSPECTOR OF POLICE, HILL PALACE POLICE STATION,
TRIPUNITHURA, ERNAKULAM DISTRICT 682 020.**
- 5. THE STATION HOUSE OFFICER, WOMEN CELL, NEAR HILL PALACE
POLICE STATION, TRIPUNITHURA, ERNAKULAM DISTRICT 682 020**
- 6. SMT. VIDYA J.S. , AGED 30 YEARS, D/O. N.JANARDANA SHARMA,
RADHA NIVAS, CLAPPANA P.O., KARUNAGAPPALLY, KOLLAM DISTRICT 691 310**
- 7. N.JANARDANA SHARMA, RADHA NIVAS, CLAPPANA P.O.,
KARUNAGAPPALLY, KOLLAM DISTRICT 691 310.**

R1 TO R5 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 : A PHOTOCOPY OF NOTICE DATED 25.4.2014 SENT ON
RESPONDENTS 6 AND 7 AT THE INSTANCE OF THE PETITIONER**
- EXHIBIT P2 : A PHOTOCOPY OF NOTICE DATED 26.05.2014 SENT FOR
RESPONDENTS 6 AND 7 ON THE PETITIONER**
- EXHIBIT P3 : A PHOTOCOPY OF PETITION DATED 17.3.2015 IN O.P. NO.529/2015
IN THE FILE OF THE FAMILY COURT ERNAKULAM**
- EXHIBIT P4 : A PHOTOCOPY OF WRITTEN INFORMATION DATED 2.4.2015
SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT
SUB INSPECTOR OF POLICE**
- EXHIBIT P4(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P4**
- EXHIBIT P5 : A PHOTOCOPY OF RECEIPT AGAINST PETITION NO.52404/2015
DATED 3.4.2015**
- EXHIBIT P5(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P5**

RESPONDENTS EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

W.P.(C) No. 11669 of 2015 (G)

Dated this the 8th day of April, 2015

J U D G M E N T

A.M.Shaffique, J.

The petitioner has approached this Court alleging harassment by the Police.

2. It is submitted that he has dispute with the 6th and 7th respondent - who are his wife and father-in-law. He had already filed O.P. 529/2015 before the Family Court, seeking for divorce on the ground of cruelty. The matter is pending before the Family Court. In the meantime, the Police is unnecessarily harassing the petitioner by calling him to the Police Station and asking him to settle the matter with his wife.

3. The learned State Attorney, on instructions, would submit that a crime has already been registered under section 498A of Indian Penal Code as Crime No.442/2015. By virtue of Circular No.28/2012 issued by the Director General of Police & State Police Chief, pursuant to the directions issued by the

Ministry of Home Affairs, Government of India in matters relating to section 498A of Indian Penal Code, there is direction to the Investigating Officers to take recourse to settle all the disputes by initiating conciliation, mediation or counselling of parties. The circular is also placed before us. It is submitted that it is by virtue of the aforesaid circular that the concerned officers are trying to mediate the matter and arrive at a settlement.

4. In the light of the aforesaid factual statement, we do not think that there is any harassment by the police as alleged by the petitioner. Accordingly, the petitioner is not entitled for any reliefs as sought for and the Writ petition is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj