

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 11920 of 2014 (L)

PETITIONER :

NOUSHAD, AGED 42 YEARS
S/O.MOITHEEN RAWTHER, PULLOLITADATTIL(KANNAKARA)
VAIPUR, KOTTANGAL VILLAGE, MALLAPPALLY TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS :

1. SUPERINTENDENT OF POLICE, PATHANAMTHITTA. 689 645.
2. CIRCLE INSPECTOR OF POLICE
MALLAPPALLY POLICE STATION, PATHANAMTHITTA. 689 645.
3. SUB INSPECTOR OF POLICE
PERUMPATTY POLICE STATION, PATHANAMTHITTA. 689 645.
4. ANSARI @ NISHAD
S/O.MOITHEEN RAWTHER, PAALATHANATHU VEEDU, ELAVA
VAIPUR, KOTTANGAL VILLAGE, PATHANAMTHITTA. 689 645.
5. FEVIN ISMAYIL
W/O.ANSARI, PAALATHANATHU VEEDU, ELAVA
VAIPUR, KOTTANGAL VILLAGE, PATHANAMTHITTA.689 645.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.
R4 & R5 BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11920 of 2014 (L)

APPENDIX

PETITIONER'S EXHIBITS :

P1- TRUE COPY OF THE SETTLEMENT DEED NO.1679/2007 DATED 18.10.2007 OF MALLAPPALLY SUB REGISTRY.

P2- TRUE COPY OF THE JUDGMENT IN CRL.A.NO.177/2013 OF THE SESSIONS JUDGE PATHANAMTHITTA.

P3- TRUE COPY OF THE PETITION SUBMITTED BEFORE THE CIRCLE INSPECTOR OF POLICE MALLAPPALLY.

P4- TRUE COPY OF THE PETITION SUBMITTED BEFORE THE SUB INSPECTOR OF POLICE PERUMPATTY POLICE STATION.

P5- TRUE COPY OF THE COMPLAINT ALONG WITH THE RECEIPT ISSUED FROM THE OFFICE OF THE SUPERINTENDENT OF POLICE PATHANAMTHITTA.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No.11920 of 2014

Dated this the 31st day of July 2015

J U D G M E N T

Shaffique, J

The petitioner has filed this writ petition alleging inaction on the part of the 3rd respondent in not granting police protection despite several complaints have been made by him against respondents 4 and 5. It is stated that the petitioner is now abroad and his mother is residing in his house, where respondents 4 and 5 are also residing. The petitioner submits that though his mother had obtained an order from the learned Magistrate under the Protection of Women from Domestic Violence Act, still, respondents 4 and 5 are threatening the petitioner's mother.

2. Having regard to the fact that the issue involved is a family dispute, we referred the matter for mediation, but the mediation has failed.

3. Learned counsel appearing for respondents 4 and 5 submits that all are peacefully residing in the same building and they have not created any obstruction to the mother residing in the said building. It is further submitted that since the petitioner had already obtained an order from the learned Magistrate, the

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request for police protection is only a ruse for taking action against them.

4. Be that as it may, since the petitioner had expressed his apprehension that his mother might be put to severe hardship, we only observe that if there is any complaint from the mother of the petitioner, the 3rd respondent shall look into the matter and do the needful.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE