

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 18605 of 2015 (A)

PETITIONER(S):

**SHAHANA V., AGED 25 YEARS,
D/O KUNJHIMUHAMMED, PUTHENPURAYIL VEEDU, PAYYOLI. P.O.
KOYILANDI TALUK, KOZHIKODE DISTRICT- 673 522.**

**BY ADVS.SRI.K.SANEESH KUMAR
SMT.V.B.SANTHINI**

RESPONDENT(S):

- 1. PRABHAKARAN, SUB INSPECTOR OF POLICE,
VADAKARA POLICE STATION,
VADAKARA POLICE STATION, KOZHIKODE DISTRICT- 673 101.**
- 2. SUPERINTENDENT OF POLICE,
KOZHIKODE RURAL, VADAKARA, KOZHIKODE DISTRICT- 673 101.**
- 3. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM DISTRICT- 695 001.**
- 4. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME,
SECRETARIAT, THIRUAVNATHAPURAM DISTRICT- 695 001.**
- 5. ABDUL RAZIR. N.P, AGED 7 YEARS,
S/O UMMARKUTTY K, NIDIYA PARAMBATHU VEEDU,
MUTTUNGAL PO, VADAKARA TALUK, KOZHIKODE DISTRICT- 673522.**

**R2-4 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R5 BY ADVS. SRI.S.U.NAZAR
SRI.MANSOOR.B.H.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 18605 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** TRUE COPY OF THE OP NO 52/2015 DATED 5/2/2015 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, VADAKARA, WITH ENGLISH TRANSLATION,
- EXT.P2:** TRUE COPY OF THE PETITION IN M.C.NO.21/2015 DATED 5/2/2015 FILED BEFORE THE FAMILY COURT, VADAKARA, WITH ENGLISH TRANSLATION,
- EXT.P3:** TRUE COPY OF THE CRIMINAL COMPLAINT FILED BY THE PETITIONER AS CMP NO 554/2015 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-1 COURT, VADAKARA, WITH ENGLISH TRANSLATION

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

=====

W.P (C) No. 18605 of 2015

=====

Dated this, the 22nd day of June, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court alleging harassment by the police. It is submitted that she had married the 5th respondent and they have a daughter aged 1½ years. Complaints are being filed by the 5th respondent before the police and the petitioner is called upon to the police station several times with the child.

2. Though notice was not issued in the matter, there is appearance on behalf of the 5th respondent. Learned counsel appearing for the 5th respondent submits that the intention was never to harass the petitioner whereas he only wanted to see his child and therefore he had submitted a compliant before the police. It is also brought to our notice that matrimonial disputes are pending between the parties before the Family Court and a case had been filed against the 5th respondent under Section 498A of the Indian Penal Code.

-:2:-

3. Learned counsel submits that he only wants to see the child once in a while and the Family Court matter is posted to 29/6/2015. Having regard to the above factual situation, we do not think that there is any harassment by the police as alleged by the petitioner. If the 5th respondent wants to see the child, petitioner may appear before the Police Station to show the child to the 5th respondent. The 5th respondent also undertakes that he will not take away the child in any manner. If the petitioner is summoned with the child, police shall ensure that the petitioner and the child is safe.

With the above observations, the writ petition is closed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge