

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 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 21302 of 2015 (K)

PETITIONERS :

- 1. V.R.RAMAKRISHNAN, AGED 68 YEARS,S/O.RAGHAVAN,
VETTAVAKKOTTU HOUSE, THAIMARAVUMKARA MURI,
OTHERA WEST.P.O.,THIRUVALLA, PATHANAMTHITTA DISTRICT.**
- 2. KAMALASHI, AGED 63 YEARS, W/O.RAMAKRISHNAN,
VETTAVAKKOTTU HOUSE, THAIMARAVUMKARA MURI,
OTHERA WEST.P.O.,THIRUVALLA DISTRICT,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S):

- 1. DISTRICT POLICE CHIEF (RURAL),
PATHANAMTHITTA,PIN-689 645**
- 2. DEPUTY SUPERINTENDENT OF POLICE,
O/O. OF THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUVALLA,PIN-689 101**
- 3. SUB INSPECTOR OF POLICE, THIRUVALLA POLICE STATION,
THIRUVALLA, PATHANAMTHITTA DISTRICT,PIN-689 101**

BY STATE ATTORNEY SRI. P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.21302/2015

APPENDIX

PETITIONER'S EXHIBITS:

**P1 COPY OF THE DISCHARGE SUMMARY OF MRS. JAYALEKSHMI ISSUED FROM
PUSHAPAGIRI MEDICAL COLLAGE, THIRUVALLA DATED 18/5/2015**

P2 COPY OF THE O.P(G&W) NO.271/2015 OF THE FAMILY COURT, THIRUVALLA.

P2(A) COPY OF THE ENGLISH TRANSLATION OF P2

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 21302 of 2015

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Dated this, the 15th day of July, 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court alleging harassment by the police. It is stated that the 3rd respondent had summoned the petitioners and are insisting the petitioners to hand over the grand child to the mother. It is stated that OP(G&W) No.271/2015 filed by the petitioners to declare the father of child as guardian is pending before the Family Court, Thiruvalla and in the meantime, police are unnecessarily summoning the petitioners and involving them in the family dispute.

2. Learned Government Pleader on instructions would submit that the child is only aged one year and the mother has filed a complaint which was enquired into by the police by summoning the petitioners and they had handed over the child to the mother on 8/7/2015. The mother, who is the natural guardian of the child, is entitled to have custody especially when the father

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is abroad.

3. Learned counsel for the petitioners submits that the mother of the child is a psychiatric patient who had undergone treatment for psychiatric problem and therefore they have sought for custody of the child.

4. Be that as it may, since the mother has filed a complaint stating that her one year child was kept away from her and police had interfered in the matter, we do not think that it amounts to any harassment as alleged. It is always open for the petitioners to approach the Family Court and obtain necessary orders for custody of the child.

With the above observation, this writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge