

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 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 22871 of 2015 (H)

PETITIONER(S) :-

1. SUBAIR, AGED 27 YEARS
S/O.MUHAMMED MUSALIYAR, CHITTAKATH, VENGADU.P.O.
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.
2. KUKKU, AGED 27 YEARS
D/O.CHERIAN ABRAHAM, VADANA, AREEPARAMBU P.O.
KOTTAYAM TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :-

1. RAJAN ABRAHAM ALIAS CHERIAN ABRAHAM, AGED 50 YEARS
VADANA, AREEPARAMBU.P.O., PIN-686 501
KOTTAYAM TALUK, KOTTAYAM DISTRICT.
2. THE SUB INSPECTOR OF POLICE
MANARGAD, KOTTAYAM DISTRICT-686 501.
3. THE INSPECTOR OF POLICE
PAMBADI POLICE STATION, KOTTAYAM DISTRICT.
4. THE DISTRICT POLICE CHIEF
KOTTAYAM, KOTTAYAM DISTRICT-686 501.

R2 TO R4 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 22871 of 2015 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE COPY OF THE CERTIFICATE ISSUED BY THE DIRECTOR,
ISLAMIC GUIDANT CENTRE, KINGDOM OF SAUDI ARABIA DATED 15.7.2015.

EXT.P1A- TRUE COPY OF ENGLISH TRANSLATION OF EXT.P1.

EXT.P2- TRUE COPY OF THE RELEVANT PAGES OF PASSPORT OF THE SECOND
PETITIONER INCLUDING IMMIGRATION SEAL OF COCHIN INTERNATIONAL
AIRPORT.

EXT.P3- TRUE COPY OF THE CONTRACT ENTERED BETWEEN THE PETITIONERS
BEFORE THE NOTARY PUBLIC DATED 20.7.2016.

EXT.P4- TRUE COPY OF THE NOTICE DATED 20.7.2015 SUBMITTED BY THE
PETITIONER BEFORE THE MARRIAGE OFFICER AT PONNANI UNDER THE
PROVISIONS OF SPECIAL MARRIAGE ACT.

EXT.P5- TRUE COPY OF THE REPRESENTATION DATED 25.7.2015 SUBMITTED
BY THE PETITIONERS BEFORE THE FOURTH RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.22871 of 2015

Dated this the 29th day of July 2015

J U D G M E N T

Shaffique, J

The petitioners have approached this Court alleging harassment by police. It is stated that the first petitioner had married the second petitioner. They have also given notice for marriage under the Special Marriage Act. The complaint of the petitioners is that police is unnecessarily calling the second petitioner, which amounts to harassment and hence, the petitioners have approached this Court.

2. Learned Government Pleader on instructions would submit that the first respondent has preferred a complaint before the local police station and a crime has been registered as Crime No.710 of 2015 on the allegation of man missing. It is stated in the complaint that the second petitioner, who came to India from Saudi Arabia, was thereafter not found and missing. It is for that purpose, the police had called the 2nd petitioner in the available telephone number and she was asked to come and give a statement, other than that, the police had not done anything in the matter.

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3. From the aforesaid factual situation, it is clear that there is no harassment by police. The police was only acting on the complaint submitted by the first respondent.

4. Learned counsel for the petitioners submits that the petitioners are under fear to appear before the police at Kottayam as they apprehend that the first respondent may create some law and order situation.

5. It shall always be open for the second petitioner to approach the jurisdictional Magistrate, for which, necessary protection shall be provided by the second respondent.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE