

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 27321 of 2015 (M)

PETITIONER(S):

1. P.L. AUGUSTINE, AGED 63,
S/O.LONAN, PARAANTHARA VEEDU,
KADAVANTHARA P.O., KOCHI - 682 020.
2. SHIBY AUGUSTINE, D/O.AUGUSTINE,
AGED 26, PARAANTHARA VEEDU,
KADAVANTHARA P.O., KOCHI - 682 020.

**BY ADVS.SRI.JOHNSON MANAYANI
SRI.JEEVAN MATHEW MANAYANI**

RESPONDENT(S):

1. SUNIL P.JOSEPH, S/O.JOSEPH,
PUTHENVEETIL, VAZHAKALA,
GURU DEV LINE ROAD, KAKKANADU - 682 030.
2. JOSEPH,
PUTHENVEETIL, VAZHAKALA,
GURU DEV LINE ROAD, KAKKANADU - 682 030.
3. THE CITY POLICE COMMISSIONER,
KOCHI CITY, ERNAKULAM - 682 031.
4. THE SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION, THRIKKAKARA P.O.,
ERNAKULAM DISTRICT - 682 030.
5. THE SUB INSPECTOR OF POLICE,
KADAVANTHARA POLICE STATION,
KADAVANTHARA, ERNAKULAM - 682 030.

R3 TO R5 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 27321 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: THE TRUE COPY OF THE PETITION WITH THE MEDICAL CERTIFICATE FILED
BEFORE THE THIRD RESPONDENT BY THE 2ND PETITIONER DTD.22.8.2015.**

EXT.P1(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

**EXT.P2: THE TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE
THE RESPONDENTS 3 TO 5 DTD.1.9.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 27321 of 2015

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Dated this, the 10th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioners have approached this Court seeking for police protection. It is stated that the second petitioner is married to the 1st respondent and at present, they are living separately. It is further stated that the 1st respondent had treated the second petitioner cruelly and she had run away from her matrimonial home and is now residing with her parents. Still, the 1st respondent along with the 2nd respondent are threatening the petitioners with dire consequences if the second petitioner does not go back to the residence of the 1st respondent.

2. Having regard to the factual situation arising in the present case, we do not think that a direction as sought for can be granted essentially being a matrimonial dispute.

3. Learned Government Pleader however would submit that on the basis of the complaint given by the petitioners, a

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crime has been registered against the 1st respondent under Section 498A of the Indian Penal Code and investigation is in progress.

4. Taking into consideration the aforesaid facts, we only observe that if there is any offence committed or attempt to commit offence, on the complaint of the petitioners, police shall look into the matter and do the needful.

Writ petition is closed with the above observation.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge