

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 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 28871 of 2015 (H)

PETITIONER(S):

- 1. JEROME CRUZ AGED 52 YEARS
S/O. LAWRENCE CRUZ, THANIMA, ST. XAVIERS COLLEGE P.O.
MENAMKULAM VILLAGE, THIRUVANANTHAPURAM.**
- 2. MARIJA LINDA, AGED 50 YEARS,
W/O. JEROM CRUZE, THANIMA, ST. XAVIERS COLLEGE P.O.
MENAMKULAM VILLAGE, THIRUVANANTHAPURAM.**
- 3. MARY ROSE R PERERA
W/O. ROBIN C PERERA, RED HOUSE, THANIMA
ST. XAVIERS COLLEGE P.O., MENAMKULAM VILLAGE
THIRUVANANTHAPURAM.**

BY ADV. SRI.LIJU. M.P

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KAZHAKOTTAM CIRCLE OFFICE, KAZHAKOOTTAM
THIRUVANANTHAPURAM.**
- 3. THE SUB INSPECTOR OF POLICE,
KAZHAKOOTTAM POLICE STATION, KAZHAKOOTTAM
THIRUVANANTHAPURAM.**
- 4. AGNESS, AGED 45,
HOUSE NO. B4, DEVASWOM LANE, KESAVADASAPURAM
THIRUVANANTHAPURAM.**
- 5. THE SUPERINTENDENT OF POLICE (RURAL),
OFFICE OF THE SUPERINTENDENT OF POLICE
THIRUVANANTHAPURAM.**

BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28871 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBI-P1-TRUE COPY OF THE JUDGMENT IN O.P. 794/2011 DATED 12/11/2012 ON THE FILES OF FAMILY COURT, THIRUVANANTHAPURAM.

EXHIBIT-P2-TRUE COPY OF THE COMPLAINT DATED 18/08/2015 ADDRESSED TO 3RD RESPONDENT ALONG WITH TRUE ENGLISH TRANSLATION.

EXHIBIT-P3-TRUE COPY OF THE COMPLAINT DATED 07/09/2015 MADE TO 2ND RESPONDENT ALONG WITH TRUE ENGLISH TRANSLATION.

EXHIBIT-P4-TRUE COPY OF THE RECEIPT NO. 1623/CAMP/PTN/15 T DATED 15/09/2015 ALONG WITH TRUE ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS: NIL

//True Copy//

PS to Judge

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====

W.P. (C) No. 28871 of 2015

=====

Dated this, the 5th day of October, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to the 4th respondent in view of the judgment which is being passed.

2. Petitioners have filed this writ petition seeking police protection to the life and property of the petitioners from the 4th respondent. 4th respondent is the divorced wife of the 1st petitioner. Petitioners' case is that 1st petitioner as well as the 4th respondent are mostly living abroad. The allegation of the petitioners is that 4th respondent has come to the house of the 1st petitioner and is compelling the 1st petitioner to assign 24 cents of land. Petitioners in this context have filed Exts.P2 and P3 complaints.

3. Learned Government Pleader after obtaining instructions submits that dispute between the parties is pertaining

W.P(C) No.28871/15

-:2:-

to property and no such offence is disclosed on which police could take any action.

Having heard the learned counsel for the parties, we are of the view that in the facts of the present case, no direction needs to be issued as prayed for. We only observe that in the event any offence is committed or attempted against the petitioners, it shall be open for the petitioners to file appropriate complaint, which shall be looked into. With these observations, the writ petition is closed. But, this shall not preclude the petitioners to file any private complaint, if they are so advised.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

5/10/2015

//True Copy//

PS to Judge