IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 39751 OF 2023

PETITIONER:

ROOPA S.S
AGED 52 YEARS
D/O SURAJA KUMARI, NOW RESIDING AT "SHAJI COTTAGE",
VADAKODE, PERUMPAZHATHORE.P.O, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT, PIN - 695123.

BY ADVS.
T.V.JAYAKUMAR NAMBOODIRI
P.SHEENA RAJAN

RESPONDENTS:

1 DISTRICT POLICE CHIEF
THIRUVANANTHAPURAM, PALAYAM P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695033.

2 STATION HOUSE OFFICER
NEYYATTINKARA POLICE STATION, NEYYATTINKARA,
THIRUVANANTHAPURAM, PIN - 695121.

3 VIJAYAKUMAR
S/O VISWAMBHARAN @ PAKKUTTA PANICKER, AISWARYA,
KAMUKINCODE, KODANGAVILA, PIN - 695123.

4 ASHOK KUMAR
PRIYA NIVAS, ARALUMOOD, NEYYATTINKARA.P.O,
THIRUVANANTHAPURAM, PIN - 695121.

*ADDL R5 SAHADEVA PANICKER
S/O BALAKRISHNAN, VATTAVILA VEEDU, KAMUKINKODU,
KIDANGAVILA.P.O., NEYYATTINKARA, THIRUVANANTHAPURAM.

*ADDL R5 IS IMPLEADED AS PER ORDER DATED 18.1.2024 IN I.A. NO.1 OF 2024.

BY ADV R.T.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is a lady aged 52 years who was married to the 3rd respondent, Sri. Vijayakumar, and their marriage was solemnized in the year 1990. They have a daughter born out of wedlock who is now married and is residing with her husband. She states that due to persistent harassment and cruelty from the side of the 3rd respondent, she left his house and started residing with a certain Mr. Shaji Victor. She states that being aggrieved by the fact that the petitioner left the 3rd respondent, he, along with his brothers, are persistently harassing the petitioner by threatening her with physical harm. She states that her life is in danger. She also states that when the aforesaid Shaji Victor was hospitalized, certain persons came to her house and threatened her with bodily harm. It is in the afore circumstances that this writ petition is filed seeking issuance of directions to respondents 1 and 2 to afford protection to the life of the petitioner.

2. This Court, by an interim order dated 28.11.2023, had ordered the police to afford adequate protection to the life of the petitioner.

3. An application has been filed as I. A No.1 of 2024 by a certain Sahadeva Panicker, the father of the petitioner herein seeking impleadment. Various contentions are raised in the affidavit. It is stated that the petitioner had left the residence of her husband and gone with a certain Shaji Victor,

whose antecedents are bad. He also asserts that the residence of the 3rd respondent as well as of the additional 5th respondent is located adjacent to each other, and he claims that the petitioner, along with Shaji Victor, had trespassed into the house and had committed mischief. It is further stated that Crime No.2147 of 2023 of the Neyyattinkara Police Station has been registered under the head 'man missing,' and Crime No.2154 of 2023 was registered against the petitioner and Shaji Victor for taking away gold and other valuables. It is further stated by referring to a letter issued that the mental condition of the petitioner is very frail, and she is not a person who is capable of taking informed decisions.

4. I have considered the submissions advanced. I find that the petitioner is a lady aged about 52 years. She has left her husband and is currently residing with a certain Shaji Victor. Her grievance in this writ petition is that being aggrieved by the action of the petitioner by leaving her husband, the 3rd respondent, is threatening her with bodily harm. The learned counsel appearing for the petitioner submits that the petitioner has no intention to go to the residence of the 3rd respondent or to the residence of the additional 5th respondent, who is her father. He states that all that the petitioner wants is protection of her life and property against the 3rd respondent and his brothers.

Having considered the submissions advanced, I am of the view that the petitioner, being a mature lady, is entitled to exercise her right to

freedom of choice concerning her living arrangements and the residence in which she wishes to reside. Respondent No.3 or anybody claiming under him has no authority or right to threaten her with physical harm or assault. The interim order granted by this Court on 28.11.2023 is made absolute. However, it is made clear that under the strength of this judgment, the petitioner shall not enter the residence of the 3rd respondent or the additional 5th respondent and precipitate issues.

This writ petition is disposed of.

Sd/-

RAJA VIJAYARAGHAVAN V
JUDGE

Sru

APPENDIX OF WP(C) 39751/2023

PETITIONER'S EXHIBITS

Exhibit-P- 1	TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 20.11.2023.

RESPONDENTS ANNEXURES

Annexure I	TRUE COPY OF THE LETTER NIL DATED BY PETITIONER.
Annexure II	TRUE COPY OF THE STATEMENT OF PETITIONER DATED 1.12.2023 BEFORE POLICE IN CRIME NO.2147/2023 OF NEYYATTINKARA POLICE STATION, THIRUVANANTHAPURAM DISTRICT.
Annexure III	TRUE COPY OF THE COMPLAINT DATED 29.12.2023 SUBMITTED BY THE APPLICANT IN THE I.A. BEFORE THE STATION HOUSE OFFICER, NEYYATTINKARA POLICE STATION.