

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 30TH DAY OF AUGUST 2019 / 8TH BHADRA, 1941

WP(C).No.39879 OF 2018(H)

PETITIONER/S:

MUHAMMED  
AGED 65 YEARS  
S/O.MOIDUNNY, MARAYKKARAKATH HOUSE, PALAPETTY,  
AYIRUR, PONNANI TALUK, MALAPPURAM DISTRICT.  
BY ADVS.  
SRI.J.R.PREM NAVAZ  
SRI.P.T.SHEEJISH

RESPONDENT/S:

- 1 THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME  
AFFAIRS, THIRUVANANTHAPURAM, PIN-695001.
- 2 THE SUPERINTENDENT OF POLICE RURAL,  
UP HILL P.O., MALAPPURAM DISTRICT, PIN-676505.
- 3 CIRCLE INSPECTOR OF POLICE,  
PONNANI CIRCLE, TIRUR TALUK, MALAPPURAM DISTRICT,  
PIN-676301.
- 4 STATION HOUSE OFFICER,  
PERUMBADAPPU POLICE STATION, TIRUR TALUK,  
MALAPPURAM DISTRICT, PIN 676 121.
- 5 SRI RAJEEV,  
CIVIL POLICE OFFICER, PERUMBADAPPU POLICE STATION,  
TIRUR TALUK, MALAPPURAM DISTRICT, PIN-676 121.
- 6 ALIMON M.M.,  
S/O.MUHAMMED, MARAYKKARAKATH HOUSE, PALAPETTY,  
AYIRUR, PONNANI TALUK, MALAPPURAM DISTRICT-676 101
- 7 MRS.MUNEERA  
D/O.MUHAMMED, MARAKKARAKATH HOUSE, PALAPETTY,  
AYIRUR, PONNANI TALUK, MALAPPURAM DISTRICT-676 101  
R1-4 BY GOVERNMENT PLEADER  
R7 BY ADV. SRI.M.J.SANTHOSH

OTHER PRESENT:

SR.GP SRI.P.P.THAKJUDEEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
30-08-2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

**Dated this the 30th day of August 2019**

**K. Vinod Chandran, J.**

The petitioner is aggrieved with the harassment perpetrated on him allegedly by the police. It is also submitted that it is on the instigation of the respondents 6 & 7, who are his son and daughter. It is the specific submission of the learned counsel for the petitioner that the petitioner had filed an application for maintenance before the Family Court, Tirur against the children, which was allowed. An enhancement was also ordered by this Court as per Ext.P1. Disgruntled with such orders, respondents 6 & 7 are instigating the 5<sup>th</sup> respondent, who is influencing the third respondent.

2. The police is reciting a totally different story. It is submitted that the petitioner and his wife were constantly at loggerheads and eight years ago the petitioner expelled his wife and daughter from their house. Later, the wife approached the Magistrate's Court under the Protection of Women from Domestic Violence Act and obtained an order of residence. Based on the order of residence obtained from the jurisdictional

court, the wife resumed residence in her marital home. Then, the petitioner started again harassing his wife, on which casue, the wife approached the police. It is also submitted by the learned Senior Government Pleader that the order of the learned Magistrate clearly indicates that the petitioner should not interfere with the peaceful residence of the wife in the shared household and also restrained him from alienating the property. Only on the complaint from the wife, the police has summoned the petitioner, is the submission.

We see that the petitioner has cleverly avoided impleading his wife, who has a protection order from the jurisdictional Court. In such circumstances, we do not think that the interference of the police can be termed as harassment nor is it at the instigation of the respondents 6 & 7. We, hence, dismiss the writ petition.

**SD/-**

**K.VINOD CHANDRAN**

**JUDGE**

**SD/-**

**V.G.ARUN**

**JUDGE**

## **APPENDIX**

### **PETITIONER'S/S EXHIBITS:**

**EXHIBIT P1**

**THE TRUE COPY OF THE COMMON ORDER IN RPFC  
NO.226 OF 2016 AND RPFC NO.152 OF 2017  
DATED 14.9.2018.**