
(2011) 03 KL CK 0306

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 6609 of 2011 (A)

Manoli K.K. Moidu Haji

APPELLANT

Vs

K.K. Faisal and Others

RESPONDENT

Date of Decision : 29-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 156(3)
Penal Code, 1860 (IPC) — Section 307

Citation : (2011) 03 KL CK 0306

Hon'ble Judges : R. Basant, J;K. Surendra Mohan, J

Bench : Division Bench

Advocate : C. Pushpodaran, for the Appellant; U.K. Devidas, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—The Petitioner has come to this Court with this petition for issue of directions to Respondents 8 to 12 under Article 226 of the Constitution to afford protection to the life and person of the Petitioner.

2. The Petitioner admittedly divorced his wife on 19/12/2010. According to the Petitioner, he had to divorce his wife because of the alleged mental illness of hers. Respondents 1 to 7 are the son of the Petitioner, his two brothers-in-law i.e., brothers of his divorced wife, the father of the divorced wife and relatives of the divorced wife. According to the Petitioner, Respondents 1 to 7 appear to be entertaining an impression that he divorced his wife only to facilitate a re-marriage. The Petitioner has no intention to re-marry, it is submitted. According to the Petitioner, Respondents 1 to 7 are involved in an attempt to vex and harass the Petitioner. They are indulging in contumacious, culpable and violent conduct against the Petitioner. Such conduct is apprehended in future also. In these circumstances, it is prayed that police protection may be ordered to the Petitioner.

3. Respondents 1 and 4 to 7 have entered appearance through counsel.

Respondents 2 and 3 have not been served yet. We have heard the learned Counsel. The learned Counsel for Respondents 1 and 4 to 7 submits that all the allegations raised against them are false. They do have disputes with the Petitioner. But they have no intention to assault or cause any harm to the Petitioner's life or his person. The allegations are raised with no bona fides at all. In these circumstances, no directions under Article 226 of the Constitution are liable to be issued, submits the learned Counsel for the party Respondents.

4. The learned Government Pleader, after taking instructions from the police officials, submits that a complaint has been filed by the Petitioner before the learned Magistrate and the same has been forwarded to the police u/s 156(3) Code of Criminal Procedure. An allegation u/s 307 IPC was raised in the said complaint. But the investigation reveals that it is a grossly exaggerated complaint. At any rate, action is being taken for the investigation of that crime. According to the learned Government Pleader, in the perception of the police officials, there is no threat to the life or person of the Petitioner. It is, of course, true that consequent to the divorce of the wife of the Petitioner a person having grown up children, there is strain in the relationship between the parties. The learned Government Pleader undertakes that necessary police protection shall be given to the Petitioner if there is any threat to the life or person of the Petitioner. No further directions under Article 226 of the Constitution are, in these circumstances, necessary, submits the learned Government Pleader.

5. We have considered all the relevant circumstances. We take note of the fact that there is strain in the relationship between the Petitioner on the one hand and Respondents 1 to 7 on the other. However, we are not satisfied that any specific directions under Article 226 of the Constitution can, need or deserve to issued. We accept the submission of the learned Government Pleader that if there be any threat to the life or person of the Petitioner from Respondents 1 to 7, adequate and necessary action shall be taken by the police.

6. In the result:

(a) This writ petition is dismissed.

(b) In taking this decision we place heavy reliance on the submission of the learned Counsel for the party Respondents that they have no intention to assault or cause any harm to the person or life of the Petitioner. We also take note of the submission of the learned Government Pleader that if there be any threat to the life or person of the Petitioner, the Petitioner can complain and thereupon necessary action shall be taken by the police.