
(2011) 07 KL CK 0159

In the High Court Of Kerala

Case No : Writ Petition (C) No. 17926 of 2011 (M)

Rajeevan

APPELLANT

Vs

District Police Chief and Others

RESPONDENT

Date of Decision : 11-07-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, 498A

Citation : (2011) 07 KL CK 0159

Hon'ble Judges : Pius C. Kuriakose, J;C.K. Abdul Rahim, J

Bench : Division Bench

Advocate : K. Siju, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

C.K. Abdul Rehman, J.—This Writ Petition is filed seeking relief by way of direction commanding Respondents 2 and 3 not to harass the Petitioner and his family members at the instance of Respondents 4 to 6. Respondent No. 4 is the wife of the Petitioner and 5 and 6 are her father and uncle respectively. Admittedly there exists some matrimonial disputes between the Petitioner and the 4th Respondent. Complaint of the Petitioner is that the Respondents 1 to 3 are unnecessarily interfering with the dispute and compelling the Petitioner to yield to the illegal demands raised by Respondents 4 to 6. It is further complained that Respondents 2 and 3 are not even permitting the Petitioner to reside in his house and that he had been forcefully ousted from there.

2. When the Writ Petition came up for consideration, this Court directed the Government Pleader to ascertain correctness of the allegations leveled against Respondents 2 and 3. The learned Government Pleader, on the basis of instructions received, submits that the 4th Respondent has lodged a complaint before the 2nd Respondent raising allegations of offence committed by the Petitioner, punishable u/s 498A IPC. On the basis of the said complaint, Crime No. 552/11 of Ezhukon Police Station has already been registered against the Petitioner for offence punishable u/s 498A and 34 IPC. It is further submitted

that the case registered is being investigated by the 2nd Respondent and in that connection, the police authorities are taking steps to record arrest of the Petitioner.

3. It is submitted by Siju Kamalasanan, learned Counsel appearing for the Petitioner that, the Petitioner has already moved this Court seeking anticipatory bail in the criminal case registered. It is also alleged that the case was registered only after filing of this Writ Petition.

4. Since the Petitioner is already implicated as an accused in the criminal case, it will be open to the 2nd Respondent to pursue steps in connection with investigation of the said case. Further, the allegation regarding ousting of residence of the Petitioner is totally baseless and no steps has ever been taken against the Petitioner to prevent from residing in the house, is the submission of the Government Pleader.

5. Considering the factual aspects as stated above, we are of the opinion that the allegation regarding harassment from the side of Respondents 2 and 3 has no basis. However, it is assured that, apart from steps taken for investigation of the crime already registered against the Petitioner, there will not be any harassment to his family members. It is left open to the Petitioner to pursue the application for bail already filed.

6. Under such circumstances, this Writ Petition is closed leaving open remedy available to the Petitioner to seek bail in the matter of the criminal case registered against him.