

(2011) 05 KL CK 0105

In the High Court Of Kerala

Case No : Writ Petition (C) No. 10941 of 2011 (P)

Thanka and Preman

APPELLANT

Vs

State of Kerala and Soman

RESPONDENT

Date of Decision : 30-05-2011

Acts Referred:

Citation : (2011) 05 KL CK 0105

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

Bench : Division Bench

Advocate : R. Padmakumari, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—Petitioners have come to this Court complaining of harassment by the police. According to the Petitioners, the 1st Petitioner is a widow. Her husband was earlier married and there were 3 children in that wedlock. The earlier wife was none other than the sister of the 1st Petitioner. After her death, the 1st Petitioner was married by her husband. 2 children were born for the 1st Petitioner in such marriage. The 2nd Petitioner is one child, the other child is no more. His wife and children are residing along with the 1st Petitioner. According to the 1st Petitioner, she is residing in a 2 cents plot belonging to her husband. It is clear case that the claims of the children in the first wife has already been settled and this land along with a thatched house therein is being enjoyed exclusively by the Petitioners. Respondent No. 3 is one of the children in the earlier matrimony of the deceased husband. Since the land values have gone up, the 3rd Respondent is now demanding that he be given rights in the property. The Petitioners were constrained to approach the civil court and the civil court has passed interim orders. While so, the police are unnecessarily calling the Petitioner to the police station. This, according to the Petitioner, is done at the instance of the 3rd Respondent to help him. Appropriate directions may be issued to abate the vexation and harassment directed against the Petitioners from the

police officials, it is prayed.

2. The 3rd Respondent, though served, has not chosen to appear before court.

3. We turned to the learned Government Pleader for submissions. The learned Government Pleader submits that the police do not require the presesnce of the Petitioners at the police station. No complaint has been made by the 3rd Respondent before the police. The 1st Petitioner has made a complaint that the 3rd Respondent is violating the order of injunction of the court. In connection with that parties were called to the police station and were specifically advised to seek directions from the civil court. Police shall not intervent in the civil dispute between the Petitioners on one hand and the 3rd Respondent on the other. This undertaking may be recorded and further proceedings in this Writ petition may be discontinued, submits the learned Government Pleader.

We take note of the submissions of the Petitioners that the civil court has passed an interim order in their favour. We take note of the submission of the learned Government Pleader that the police shall not intervene in the civil dispute between the parties. We record the specific undertaking of the learned Government Pleader on behalf of the 2nd Respondent that the Petitioners shall not be called to the police station in connection with the civil dispute between them and the 3rd Respondent. We are satisfied that no further directions are necessary in the matter.

Recording the above submissions, this Writ Petition is dismissed.