
(2011) 08 KL CK 0023

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 20644 of 2011 (E)

Thirunavukkarasu S.

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Citation : (2011) 08 KL CK 0023

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

Bench : Division Bench

Advocate : T. Ravikumar, for the Appellant; No. Appearance, for the Respondent

Final Decision : Dismissed

Judgement

Pius C. Kuriakose, J.—This Writ Petition is filed by the Petitioner, a senior Manager in the Kochi Refineries Ltd. (BPCL - KRL) complaining that there is a threat to his life from the 4th Respondent - his wife, the 5th Respondent - his only daughter and 6th Respondent - his only son. The prayer is that appropriate directions may be issued to the concerned Respondents namely the Sub Inspector of Police, Hill Palace Police Station, Tripunithura, Assistant Sub Inspector of Police, Hill Palace Police Station, Tripunithura to grant sufficient protection to the life of the Petitioner from the threats and attacks of Respondents 4 to 6. Documents Exts.P1 to P7 are produced to substantiate the allegations. Sri.T. Ravikumar, the learned Counsel for the Petitioner addressed us in detail on the basis of the averments in the Writ Petition and Sri.Ravikumar would particularly refer to Ext.P4 and argue that the Petitioner sustained bodily injury on account of attack from Respondents 4 to 6. Respondents 4 to 6 appeared before us in person. We put questions to them with reference to the averments in the Writ Petition and some of the documents relied on by the Petitioner. According to them, the allegations are without any basis. The Petitioner has never been a loving husband or a loving father. According to them, for the reasons best known to him, the Petitioner hates his wife and children. They have reasons to think that the Petitioner requires treatment for mental

health, but the Petitioner does not co-operate with them, they would tell us.

2. The learned Government Pleader on the basis of the instructions received from the police pursuant to our order dated 28/07/11 submitted that the Petitioner and Respondents 4 to 6 are residing together in the house "Sunandini" in Sanskrit College Road at Tripunithura. The parties were summoned to the police station and the enquiry revealed that as such there is No. threat to the life of the Petitioner from Respondents 4 to 6. On hearing the submissions of the Government Pleader, the 4th Respondent -Petitioner's wife would tell us that the Petitioner is filing petitions before the police one after another with the intention of harassing Respondents 4 to 6 and probably with the intention of creating evidence for the ongoing litigations in the family court where divorce is sought for by the Petitioner on the ground of cruelty.

3. The only question which arises for decision by us is whether the police protection directions sought for, is to be granted in favour of the Petitioner. We are convinced that the question can be answered only in the negative. We decline jurisdiction and dismiss the petition. However, we direct the second Respondent to entertain petitions, if any, to be received from the Petitioner and Respondents 4 to 6 complaining of any threat to the lives and properties of any one of them; to hold necessary enquiries immediately and to take immediate action on the basis of the enquiry held for averting occurrence of any law and order situation or any risk to the lives and properties of any of them.