

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

MONDAY, THE 14TH DAY OF MARCH 2022 / 23RD PHALGUNA, 1943

WP(CRL.) NO. 228 OF 2022

PETITIONER :

AKHIL A, AGED 25 YEARS,
S/O. AMAR SING, PULIYAPPALLIPADEETTATHIL,
ALUMKADAVU, ALUMKADAVU P.O, KOLLAM 690 573.

BY ADVS.SADCHITH.P.KURUP & C.P.ANIL RAJ.

RESPONDENTS :

- 1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY
(HOME DEPARTMENT), SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE DISTRICT POLICE CHIEF,
OFFICE OF COMMISSIONER OF POLICE,
KOLLAM CITY, KOLLAM - 691 001.
- 3 THE STATION HOUSE OFFICER,
KARUNAGAPPALLY POLICE STATION,
KARUNAGAPPALLY, KOLLAM - 690 518.
- 4 SELVI, W/O. RAJU, PALOTTUVILA, KALLUMMUKKU,
KARUMKULAM (ALPHONSA NAGAR) POOVAR P.O,
THIRUVANANTHAPURAM - 695 525.

BY ADVS.

ADVOCATE GENERAL OFFICE KERALA

JOHNSON GOMEZ

DIRECTOR GENERAL OF PROSECUTION(AG-10)

SHRI.P.NARAYANAN, ADDL.PUBLIC PROSECUTOR()

S.BIJU (KIZHAKKANELA) FOR R4

SANJAY JOHNSON
JOHN GOMEZ
SREEDEVI S.
MOHAMED SHEHARAN
DINOOP P.D.
SANJITH JOHNSON
PARSHATHY S.R.
VISWANATH JAYAN

OTHER PRESENT:

SRI.E.C.BINEESH, GP FOR R1 TO R3.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 14.03.2022, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

K.VINOD CHANDRAN & C.JAYACHANDRAN, JJ.

W.P.(Crl.)No.228 of 2022

Dated this the 14th day of March, 2022

JUDGMENT

Vinod Chandran, J.

The child is produced by the petitioner himself before us. It is submitted that the Police had resumed the custody of the child to the petitioner.

2. We have heard the learned counsel for the petitioner and also the learned counsel appearing for the 4th respondent.

3. The learned counsel for the 4th respondent submits that his client has told him that there was some misbehaviour alleged on the brother-in-law of the petitioner, for which a complaint was also raised the very next day. Admittedly, the petitioner was not on very good terms with the 4th respondent, the mother-in-law. The petitioner's wife, who is the mother of the minor child, is said to be no more, having

committed suicide in the house of the 4th respondent.

4. The petitioner, who was abroad had come back and had also after the last rites of his wife, stayed with the 4th respondent and his child. Later, the child was taken to his house. The 4th respondent is said to have come to the petitioner's house to take the child back, which was refused. Upon which, the complaint was raised. A copy of the complaint also is produced before us, which is marked as Ext.C1. The complaint alleges that the child was troubled by the brother-in-law of the petitioner, when the child was sleeping with the grandmother. We are *prima facie* not ready to take the allegation at its face value. However, we say nothing further on the complaint. No certified copy shall be issued of the abovesaid document unless orders from this Court is obtained.

We saw the child interacting very well with the father. Since the child has been restored to the custody of the father, we are of the opinion that the writ petition can be disposed of,

leaving open the remedy of the grandmother, to approach the appropriate court for the custody of the child, if so desirous.

**Sd/-
K.VINOD CHANDRAN
JUDGE**

**Sd/-
C.JAYACHANDRAN
JUDGE**

amk/14/03/2022

APPENDIX OF WP (CRL.) 228/2022

PETITIONER'S EXHIBITS :

- | | |
|-------------------|--|
| Exhibit P1 | TRUE COPY OF THE CERTIFICATE OF MARRIAGE
DATED 3-12-2019 ISSUED FROM THE
KULASEKHARAPURAM GRAMA PANCHAYAT |
| Exhibit P2 | TRUE COPY OF THE BIRTH CERTIFICATE DT
14-09-2020 ISSUED FROM THIRUVANANTHAPURAM
MUNICIPAL CORPORATION |
| Exhibit P3 | TRUE COPY OF DEATH CERTIFICATE DATED
15-12-2021 ISSUED FROM KARUMKULAM GRAMA
PANCHAYAT |
| Exhibit P4 | TRUE COPY OF THE COMPLAINT GIVEN BY THE
PETITIONER TO THE 2ND RESPONDENT |
| Exhibit P5 | TRUE COPY OF THE RECEIPT ISSUED BY THE
OFFICE OF THE 2ND RESPONDENT ON 3-3-2022 |