

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 23<sup>RD</sup> DAY OF NOVEMBER 2021 / 2ND AGRAHAYANA, 1943

WP(C) NO. 20779 OF 2021

PETITIONERS:

- 1 SINDHU V  
AGED 50 YEARS  
D/O.BHASKARAPILLAI, SINDHUBHAVANAM, RANADAMKUTTY,  
KODUMON.P.O, ADOOR,  
PATHANAMTHITTA-691555.
- 2 PRAVEENKUMAR.B,  
AGED 45 YEARS  
S/O.BHASKARAPILLAI, SINDHUBHAVANAM, RANDAMKUTTY, KODUMON.P.O,  
ADOOR,  
PATHANAMTHITTA-691555.

BY ADVS.  
NOBEL RAJU  
C.R.JAYAKUMAR

RESPONDENTS:

- 1 THE DISTRICT POLICE CHIEF  
OFFICE OF THE SUPERINTENDENT OF POLICE, PATHANAMTHITTA,  
THAZHEVETIPRAM, PATHANAMTHITTA-689645.
- 2 THE STATION HOUSE OFFICER,  
ADOOR, OFFICE OF THE INSPECTOR OF POLICE, ADOOR,  
PATHANAMTHITTA-691523.
- 3 THE STATE OF KERALA,  
REPRESENTED BY SECRETARY, DEPARTMENT OF HOME, GOVT.  
SECRETARIAT,  
THIRUVANANTHAPURAM-695001.
- 4 THANKAMANI,  
AGED 60 YEARS  
W/O.VISHWAMBHARAN, CHANKUHOUSE, CHANKOOR, MAROOR.P.O, KODUMON,  
PATHANAMTHITTA -691524  
MOBILE NO.9496400150.

OTHER PRESENT:

SRI.E C.BINEESH - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.11.2021,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J U D G M E N T**

The petitioners say that they had earlier engaged the 4<sup>th</sup> respondent as a 'home nurse' to take care of their aged parents, who are in need for continuous medical care. They say that, because the 4<sup>th</sup> respondent did not discharge her duties diligently and satisfactorily, they were constrained to terminate her services; but that this has infuriated her and she is now causing extreme harassment and annoyance to them including, by meting out threats and intimidation. They say that they therefore, had no other option but to approach the 2<sup>nd</sup> respondent - Station House Officer through Ext.P1 seeking protection; but that since no action was taken thereon, they have been constrained to approach this Court through this writ petition.

2. I have heard Sri.Nobel Raju, learned counsel for the petitioners and Sri.E.C.Bineesh, learned Government Pleader appearing for the official respondents.

3. The notice send to respondent No.4 has been returned with the endorsement 'not known', but am of the view that this Court will not be impeded from disposing of this writ petition, in spite of the same.

4. Sri.E.C.Bineesh, learned Government Pleader, submitted

that the Police Officer who ought to have been arrayed for the purpose of the reliefs in this writ petition was the Station House Officer, Kodumon, since the petitioners and their parents are staying within his territory. He added that the 2<sup>nd</sup> respondent - Station House Officer is in charge of the Adoor, within whose area the petitioners alleged that the 4<sup>th</sup> respondent is residing. He added that, however, the 4<sup>th</sup> respondent has not been yet traced out and therefore, that no action has been taken against her as of now. He then submitted that, if the petitioners only require, that their and their parents' lives be properly protected, then they must approach the Station House Officer of the Kodumon Police Station.

5. When I consider the afore submissions, it is clear that the petitioners say that they and their parents are being harassed by the 4<sup>th</sup> respondent. Obviously, therefore, they ought to have filed a complaint to the Police Officer within whose jurisdiction they and their parents are residing and not to the officer within whose jurisdiction the 4<sup>th</sup> respondent is stated to be living.

In the afore perspective, I order this writ petition and leave liberty to the petitioners to approach the Station House Officer, Kodumon, with an appropriate application for protection and if such is received by the said officer within a period of two weeks from the

date of receipt of a copy of this judgment, necessary action shall be taken to protect the petitioners and their parents' lives effectively and adequately from any threat, intimidation or violence to be meted out by the 4<sup>th</sup> respondent or any other person acting under her.

Needless to say, if the 4<sup>th</sup> respondent has any grievance against the petitioners, I leave her full liberty to invoke and pursue the same as per law, but without taking law into her own hands or causing any act which is in contravention of law.

**sd/-**

**DEVAN RAMACHANDRAN**

**JUDGE**

rp

APPENDIX OF WP(C) 20779/2021

PETITIONER EXHIBITS

Exhibit P1                      A TRUE COPY OF THE PETITION DATED 17/09/21  
SUBMITTED BY THE PETITIONERS TO THE R2, SHO,ADOOR

Exhibit P2                      A TRUE COPY OF THE PETITION DATED 17/09/21  
SUBMITTED BY THE PETITIONERS TO THE R1,  
DCP, PATHANAMTHITTA.