

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR  
&  
THE HONOURABLE MRS. JUSTICE M.C.HARI RANI

MONDAY, THE 11TH AUGUST 2008 / 20TH SRAVANA 1930

WP(C).No. 37879 of 2007(H)  
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PETITIONER:  
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1. MAGI.K.J., D/O.JOSEPH,  
AGED 50 YEARS, KATTIKKATTUTHAYYIL,  
FORTKOCHI VELI, KOCHI-1.
2. K.J.LAWRANCE, S/O.JOSEPH,  
AGED 67 YEARS, KATTIKKATTUTHAYYIL,  
BANK QUARTERS, NAZARETH, KOCHI.

BY ADV. SRI.C.A.CHACKO  
SMT.C.M.CHARISMA  
SRI.N.A.SHAFEEK

RESPONDENTS:  
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1. THE ASSISTANT COMMISSIONER OF POLICE,  
MATTANCHERY.
2. THE SUB INSPECTOR OF POLICE,  
FORT KOCHI POLICE STATION, FORT KOCHI.
3. SAIMON, S/O.JOSEPH,  
KATTIKKATTUTHAYYIL, FORT KOCHI VELI,  
CENTRE ODATHA, KOCHI-1.
4. PATHER, S/O.JOSEPH,  
KATTIKKATTUTHAYYIL, FORTKOCHI VELI,  
CENTRE ODATHA, KOCHI-1.
5. STANLY, S/O.JOSEPH,  
KATTIKKATTUTHAYYIL, FORTKOCHI VELI,  
CENTRE ODATHA, KOCHI-1.

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**6. JOHN, S/O.JOSEPH, KATTIKKATTUTHAYYIL,  
FORTKOCHI VELI, CENTRE ODATHA, KOCHI-1.**

**7. ANTONY TOMY,  
KATTIKKATTUTHAYYIL, FORTKOCHI VELI,  
CENTRE ODATHA, KOCHI-1.**

**BY ADV. SRI.DINESH R.SHENOY FOR R3-7  
SRI.V.V.UNNIKRISHNAN FOR R3-7  
GOVERNMENT PLEADER, SRI.BENJAMIN PAUL.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
11/08/2008, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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**APPENDIX**

**PETITIONER'S EXTS:**

**EXT.P1: COPY OF COMPLAINT DT.11.12.2007 MADE BEFORE THE 1ST RESPONDENT BY PETITIONERS.**

**EXT.P2: COPY OF RECEIPT DT.11.12.2007 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT.**

**RESPONDENT'S EXTS:**

**EXT.R3(a): COPY OF THE NOTICE ISSUED BY THE INSPECTOR OF POLICE, WOMEN'S CELL, ERNAKULAM TO THE 3RD RESPONDENT.**

**//TRUE COPY//**

**PA TO JUDGE.**

**K. BALAKRISHNAN NAIR & M.C.HARI RANI, JJ.**

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**W.P.(C). No.37879 OF 2007**  
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**Dated this the 11<sup>th</sup> day of August, 2008**

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

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Balakrishnan Nair, J.

The petitioners are sister and brother respectively. The respondents 3 to 6 are their direct brothers. The 7<sup>th</sup> respondent is the foster son of their parents. Though the 1<sup>st</sup> petitioner was married, her marital life did not last for more than two months. Thereafter, she has returned to her parental home and is residing with the respondents 3 to 7 there. The 2<sup>nd</sup> petitioner is residing in a different place. The petitioners submit, the 1<sup>st</sup> petitioner is being physically threatened and harassed by respondents 3 to 7 to compel her to relinquish her right in the family property in favour of the said respondents. Since the 2<sup>nd</sup> petitioner is supporting the 1<sup>st</sup> petitioner, he is also being threatened by them, it is submitted. In the above background, they filed Ext.P1 representation before the 1<sup>st</sup> respondent, seeking necessary protection to them. Alleging that the police did not take any effective action, this writ petition is filed.

2. The respondents 3 to 7 has filed a counter affidavit denying the allegations of the petitioners. According to them, the 2<sup>nd</sup> petitioner is behind the dispute and also behind this writ petition. The 1<sup>st</sup> petitioner is residing in the parental home and no one has any objection to her residing there. The 2<sup>nd</sup> petitioner has already been given his share in the family property and he is staying separately. Now, he wants a share in the balance family property. Therefore, he is putting the 1<sup>st</sup> petitioner before him and trying to rake up a non existing dispute regarding the property. There is, absolutely, no threat to him from the part of the party respondents. All the allegations are unfounded, it is submitted.

3. The learned Government Pleader, upon instructions, submitted that this is a family dispute and the police have no role to play in this.

4. The dispute regarding sharing of family property has to be settled by moving the competent civil court. We record the submission of respondents 3 to 7 that they have no intention, whatsoever, to physically harm or harass the petitioners.

Recording the above submission, this writ petition is disposed of.

**(K.BALAKRISHNAN NAIR, JUDGE)**

**(M.C.HARI RANI, JUDGE)**

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