

Hamza Vs. the State of Kerala

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Court : Kerala

Decided On : Dec-18-2013

Judge : Honourable Mr.Justice S.Siri Jagan

Appellant : Hamza

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.SIRI JAGAN & THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN WEDNESDAY, THE 18TH DAY OF DECEMBER 2013 27TH AGRAHAYANA, 1935 WP(C).No. 26439 of 2013 (D) ----- PETITIONER(S): ----- HAMZA, S/O. MUHAMMED HAJI, KODENGODEN HOUSE, MUSLIYARANGADI, EDAKKARA, NILAMBUR, MALAPPURAM DISTRICT. BY ADVS.SRI.K.DILIP, SRI.MAHBOOB ARUVEETIL. RESPONDENT(S): ----- 1. THE STATE OF KERALA, REP.BY THE SECRETARY TO THE GOVT. HOME DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. SUB INSPECTOR OF POLICE, EDAKKARA, NILAMBUR, PIN-679 331.

3. SUPERINTENDENT OF POLICE, MALAPPURAM, PIN- 676 505.

4. FATHIMA, D/O.MUHAMMED, MUSLIYARAKATH HOUSE, PATHIRIPPADAM, NILAMBUR, MALAPPURAM DISTRICT, PIN- 679 334.

5. KAMMU, S/O.MOOSA, MUSLIYARAKATH HOUSE, PATHIRIPPADAM, NILAMBUR, MALAPPURAM DISTRICT, PIN-679 334.

6. SAYED, S/O.MOOSA, MUSLIYARAKATH HOUSE, PATHIRIPPADAM, NILAMBUR, MALAPPURAM DISTRICT, PIN- 679 334. R1 TO R3 BY GOVT. PLEADER MR.P. MOHAMMED SHAH. R4 TO R6 BY ADVS. SRI.BABU S. NAIR, SRI.K.RAKESH. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-12-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: rs. WP(C).No. 26439 of 2013 (D) APPENDIX PETITIONER'S EXHIBITS:- EXT.P1 - TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER IN FAVOUR OF THE 4TH RESPONDENT DATED 05-06-2013. EXT.P2 - TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 2D RESPONDENT DATED NIL. EXT.P3 - TRUE COPY OF THE RECEIPT ISSUED BY THE 2D RESPONDENT TO THE PETITIONER ON RECEIVING THE COMPLAINT DATED 16-10-2013. EXT.P4- TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 3D RESPONDENT DATED NIL. EXT.P5 - TRUE COPY OF THE RECEIPT ISSUED BY THE 3D RESPONDENT TO THE PETITIONER ON LODGING THE COMPLAINT DATED 22-10-2013. RESPONDENT'S EXHIBITS:- EXT.R4A COPY OF THE AGREEMENT EXECUTED BETWEEN THE PETITIONER AND THIS RESPONDENT DATED 25-10-2013. //TRUE COPY// P.S.TO JUDGE rs. S.SIRI JAGAN & K.RAMAKRISHNAN, JJ.

===== W.P.(C).No. 26439 of 2013 ===== Dated this the 18th day of December, 2013

JUDGMENT

S.Siri Jagan, J.: The petitioner is the husband of the 4th respondent. Matrimonial disputes led the petitioner to file this writ petition seeking the following reliefs: "i) Issue an appropriate writ, order or direction commanding the respondents 2 and 3 to provide sufficient and appropriate police protection to the life and property of the petitioner, his family members against the threat posed by the respondents 5 and 6, in the interest of justice. ii) Issue an appropriate writ, order or direction commanding the 2nd and 3rd respondents to take up the complaint as evidenced

by Exts.P2 and P3 and to consider the same objectively, within such time as may be fixed by this Hon'ble court in the interest of justice." 2. In view of the relationship between the parties we thought it fit to refer the parties for mediation. The mediation by the Manjeri District Mediation Centre was successful. The parties have signed an agreement, which has been forwarded by the mediation centre to this Court. The same reads thus: "1. The aforesaid Petition was referred to mediation for resolving the dispute between the parties. In the course of mediation, they have resolved their dispute and have agreed to the following terms and conditions. (i) Petitioner and 4th respondent in the Writ Petition (c) 26439/2013 consented that the settlement of 25 cent of property in Vazhikkadavu Village is correct and the property had already handed over to the 4th respondent and settlement deed had executed. The Number of deed is - 5689/2013. A copy of the deed is enclosed herewith. w.p.c.26439/13 - :

2. :- (ii) The agreement executed in between Petitioner and 4th respondent on 25.10.2013 is correct and genuine. Both Parties executed the agreement freely and fairly. A copy of the agreement is enclosed herewith. (iii) Both parties are agreed to behave each other properly and without making any disturbances to each other. (iv) Petitioner and 4th respondent decided to continue the wedlock. But rejoining of both will be in future. (v) Petitioner agreed that there is a liability of 448 grams silver and 2 grams gold to 4th respondent. 4th respondent consented the same. All the parties agreed for for the above conditions.

2. In view of the aforesaid agreement entered into between the parties, the parties pray that the Suit to be decreed in terms of the aforesaid agreement. 3 In the view of the aforesaid agreement, the plaintiff/s Applicants Pray/s for refund of the full institution Fee.

4. Partis will appear on before the hon'ble Court for passing Orders/Decree in terms of the above said agreement." Of course, in clause 2, the reference to the suit is the writ petition itself. Copies of the documents also have been produced along with the mediation settlement. In the above circumstances, this writ petition is disposed of in terms of the said settlement. The parties shall strictly abide by the terms of the settlement. Sd/- S.SIRI JAGAN, JUDGE Sd/- sdk+

K.RAMAKRISHNAN, JUDGE ///True copy/// P.A. to Judge w.p.c.26439/13 - :

3. :-

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