

Kerala High Court

Sreekala vs The Sub Inspector Of Police on 4 July, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(Crl.).No. 236 of 2008(S)

1. SREEKALA, D/O.SATHIDEVI AMMA, AGED 33 YR
... Petitioner

Vs

1. THE SUB INSPECTOR OF POLICE,
... Respondent

2. PRABHAKARAN PILLAI, S/O.KUNJAN PILLAI,

For Petitioner :SRI.K.S.MANU (PUNUKKONNOOR)

For Respondent : No Appearance

The Hon'ble MR. Justice P.R.RAMAN

The Hon'ble MR. Justice T.R.RAMACHANDRAN NAIR

Dated :04/07/2008

O R D E R

P.R. RAMAN &
T.R. RAMACHANDRAN NAIR, JJ.
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W.P.(CRL) NO. 236 OF 2008

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DATED THIS, THE 4TH DAY OF JULY, 2008.

J U D G M E N T

Raman, J.

Petitioner alleges that her sister Sreelatha, who is a mentally retarded person, is under the illegal custody of their father. It is alleged that the petitioner's father and mother are not on good terms and they are living separately and that the alleged detainee was residing with the mother. It is her

further allegation that the father has forcefully taken Sreelatha from the custody of her mother with the ulterior motive of snatching away the properties belonging to her. If this allegation is true, the person aggrieved would be the mother who had not however come to this Court with any complaint. Admittedly, petitioner is a married daughter living away in her matrimonial house. Sreelatha is alleged to be a mentally retarded person. So if the petitioner thinks that a guardian is to be appointed to look after her properties, there are other remedies available to her in law. No prima facie case is made out that the custody of Sreelatha with the father is in any way illegal.

In such circumstances, we decline to interfere. Dismissed.

P.R. RAMAN, (JUDGE) T.R. RAMACHANDRAN NAIR, (JUDGE) knc/-