



2026:KER:59206

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 3RD DAY OF AUGUST 2026 / 12TH SRAVANA, 1948

WP(C) NO. 18218 OF 2026

PETITIONERS:

- 1 SHAJITHA V.P,
 AGED 45 YEARS,
 D/O PAREEDUKUNJU, ARACKAL VEEDU,
 PANAVALLY GRAMA PANCHAYAT, WARD NO. 10,
 POOCHACKAL P.O, PANAVALLY VILLAGE, CHERTHALA,
 ALAPPUZHA, PIN - 688 526.**

- 2 ALTHAF ANSIL,
 AGED 22 YEARS,
 S/O. SHAJITHA V.P, ARACKAL VEEDU,
 PANAVALLY GRAMA PANCHAYAT, WARD NO. 10,
 POOCHACKAL P.O, PANAVALLY VILLAGE, CHERTHALA,
 ALAPPUZHA, PIN - 688 526.**

**BY ADVS.
SRI.ANOOP JOSEPH
SMT.ZERENE LINDA MITCHEL
SMT.ASWANI THUVVAKKADAN
SMT.K.K.DAJULA
SHRI.JOSEPH SUNNY
SHRI.YOGESH V. PAI
SMT.ASHLY JOSEPH**

RESPONDENTS:

- 1 STATE OF KERALA,
 REPRESENTED BY SECRETARY, DEPARTMENT OF HOME,
 GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
 PIN - 695 001.**



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- 2 THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695 001.
- 3 DISTRICT POLICE CHIEF,
DISTRICT POLICE HEAD QUARTERS, MUPPALAM,
BAZAR, ALAPPUZHA, PIN - 688 012.
- 4 THE STATION HOUSE OFFICER,
POOCHAKKAL POLICE STATION, PANAVALLY PANCHAYAT,
WARD-10, CHERTHALA, ALAPPUZHA,
PIN - 688 566.
- 5 ANSIL A,
S/O ABDUL KHADER, ARACKAL VEEDU, POOCHACKAL P.O,
PANAVALLY VILLAGE, CHERTHALA, ALAPPUZHA,
PIN - 688 526.

BY ADV SHRI.K.A.ANAS
SRI.ANIRUDH KADAVIL - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03.08.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



BECHU KURIAN THOMAS., J

W.P.(C) No.18218 of 2026

Dated this the 3rd day of August, 2026

J U D G M E N T

The first petitioner is the former wife of the fifth respondent, while the second petitioner is one of the children born in their relationship.

2. According to the petitioner, despite getting an order of residence under the Protection of Women from Domestic Violence Act, 2005 as per Ext.P1, the fifth respondent is threatening her, and she apprehends that serious harm will be inflicted on her. It is also alleged that the fifth respondent is compelling the petitioners to vacate the shared household, and she apprehends threat to their life, especially since the said respondent is highly influential and politically well connected.

3. A counter affidavit has been filed by the fifth respondent stating that the marriage between the first petitioner and the fifth respondent was dissolved by judgment dated 03.09.2024 and that he had instituted O.S No.237 of 2026 before the Munsiff Court, Cherthala, seeking injunction against the petitioner. It is also stated that when the Advocate Commissioner



visited the property, pursuant to the direction of the Court, the petitioners along with their supporters obstructed the proceedings and even prevented the fifth respondent from entering into his own property. It is also stated that the fifth respondent does not pose any threat to the life of the petitioners and that he has never threatened or intimidated the petitioners.

4. The learned Government Pleader, upon instructions, submitted that no law and order situation warranting the grant of any police protection.

5. I have heard Sri.Anoop Joseph, the learned counsel for the petitioner as well as Sri.K.A.Anas, the learned counsel for the fifth respondent and the learned Government Pleader.

6. The first petitioner has obtained an order of residence under the DV Act as evident from Ext.P1. The terms of the said order direct that the respondent therein, who is the fifth respondent herein, shall not interfere with the peaceful possession and use of the residential building of the petitioner and her minor children. There are further other conditions, including that the respondents shall not forcefully evict the petitioner from the said property. The aforesaid order concededly remains in force and therefore, the fifth respondent cannot take



law into his hands to evict the petitioners from the shared house hold. However, the contention now advanced before this Court, referring to the Advocate Commissioner's report produced as Ext.R5(b) is that the petitioners are residing in the house while the fifth respondent has been practically thrown out by using force and he is not even be permitted to enter into the property. The fifth respondent also contended that the police protection is sought as a ruse to continue to keep him outside the property.

7. On a consideration of the above circumstances, it is evident that the petitioner cannot keep the fifth respondent out of his house. At the same time, both of them are required to share the household. Sharing the household by these two conflicting personalities can necessarily create tension. In such circumstances, if the petitioners apprehend any imminent threat, they ought to be given the necessary protection to ensure that she is not harmed physically or mentally. At the same time, the petitioner cannot use the police force as a means to evict the fifth respondent from his own property.

8. In view of the above, there will be a direction to the fourth respondent to afford adequate protection to the petitioners as and when required on the basis of a written intimation



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provided the said respondent is satisfied that circumstances warrant, the grant of such protection. It is, however, clarified that this order shall not be used to prevent the fifth respondent from entering into his own property, which is the subject matter of the order under Ext.P1.

Writ Petition is disposed of as above.

Sd/-

BECHU KURIAN THOMAS
JUDGE

ADS

**APPENDIX OF WP(C) NO. 18218 OF 2026****PETITIONER EXHIBITS**

- Exhibit P1** A TRUE COPY OF THE RESIDENCE ORDER DATED 22.10.2020 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II, CHERTHALA IN CRL.M.P NO. 1809/2020 IN M.C NO.30/2020.
- Exhibit P2** A TRUE COPY OF THE COMPLAINT DATED 22.05.2026 PREFERRED BY THE PETITIONERS TO THE RESPONDENT NO.4.
- Exhibit P3** A TRUE COPY OF THE RECEIPT DATED 23.05.2026 ISSUED BY THE RESPONDENT NO.4 TO THE PETITIONERS ON RECEIVING THE COMPLAINT.
- Exhibit P4** A TRUE COPY OF THE COMPLAINT DATED 25.05.2026 PREFERRED BY THE PETITIONERS TO THE RESPONDENT NO.3.
- Exhibit P5** A TRUE COPY OF THE RECEIPT DATED 25.05.2026 ISSUED BY THE RESPONDENT NO.3 TO THE PETITIONERS ON RECEIVING THE COMPLAINT.

RESPONDENT EXHIBITS

- Exhibit R5(a)** A TRUE COPY OF THE PLAINT IN O.S. NO.237 OF 2026 MUNSIFFS COURT, CHERTHALA.
- Exhibit R5(b)** A TRUE COPY OF THE SAID REPORT FILED IN I.A. NO.2 OF 2026 IN O.S. NO.237 OF 2026 BEFORE THE MUNSIFFS COURT, CHERTHALA.