

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 869 of 2015 (G)

PETITIONERS :

1. SEBASTIAN GONSALVES AGED 64 YEARS
S/O.SIMON GONSALVES, ELVIS COTTAGE, BINNY ROAD
PALLURUTHY, COCHIN-682006.
2. ASSUNTHA FRANCIS, AGED 60 YEARS
W/O.SEBASTIAN GONSALVES, ELVIS COTTAGE, BINNY ROAD
PALLURUTHY, COCHIN-682006.

BY ADV. SRI.A.S.SASIDHARAN

RESPONDENTS :

1. EDGER SIMON GONSALVES
S/O.SEBASTIAN GONSALVES, ELVIS COTTAGE, BINNY ROAD
PALLURUTHY, COCHIN-682006.
2. REJI ROBERT, AGED 23 YEARS
S/O.T.A.ROBERT, THALLYASSERRY HOUSE, A.K.XAVIER ROAD
THOPPUMPADY, KOCHI-682005.
3. SUB INSPECTOR OF POLICE
COCHIN CUSBA POLICE PALLURUTHY STATION
COCHIN-682006.
4. CIRCLE INSPECTOR OF POLICE
COCHIN CUSBA POLICE STATION, PALLURUTHY
COCHIN-682006.

R3 & R4 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 869 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE COMPLAINT IN S.T.NO1502/13 BY THE JUDICIAL
1ST CLASS MAGISTRATE COURT NO.II, KOCHI FILED BY THE 2ND
RESPONDENT AGAINST THE 1ST RESPONDENT DATED 12.4.2013.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 869 OF 2015

Dated this the 12th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. Petitioner has filed this writ petition alleging police harassment and seeking a direction to 3rd and 4th respondents not to harass the petitioner. Petitioner's case is that against the 1st respondent, who is the son of the petitioner, a case has been registered under Section 138 of the Negotiable Instruments Act and in connection with the same, police authorities have visited the house of petitioner several times.

3. Learned Government Pleader after obtaining instructions submitted that in two cases the Judicial First Class Magistrate Court, Kochi in S.T. Nos.1501 and 1502 of 2013 non-bailable warrant was issued against 1st respondent, in connection of which police authorities have visited the petitioner's house.

In view of the above facts, we are of the view that present case cannot said to a case of police harassment. Police authorities visited the house of the petitioner on account of lawful reason to execute the non-bailable warrant. Hence, the Writ Petition is closed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**