

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

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 2334 of 2015 (N)

PETITIONER :

SHAMSUDHEEN AGED 40 YEARS
S/O.ALAVI HAJI, RESIDING AT PUTHENMAAVUNKAL, VENGARA
KILINAKODE, P.O.CHEROOR, MALAPPURAM 676304.

BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND

RESPONDENTS :

1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME,
SECRETARIAT, THIRUVANANTHAPURAM, 695 001.
2. THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.
3. THE DISTRICT SUPERINTENDENT OF POLICE, MALAPPURAM 676 505.
4. DIG(INTELLIGENCE), INTELLIGENCE HEAD QUARTERS,
PATTOM, THIRUVANANTHAPURAM-695 004.
5. INSPECTOR GENERAL OF POLICE, THRISSUR RANGE 680 001.
6. SRI.ANIL KUMAR T MEPPALLY,
SUB INSPECTOR OF POLICE, VENGARA, MALAPPURAM 676 304.
7. SRI.ASOKAN, CIRCLE INSPECTOR OF POLICE, MALAPPURAM 676 505.
8. SRI.KANNETH KUNJUMHAMMED @ BAVA
KUNNETH INDUSTRIES, MALAPPURAM-676 505.
9. SRI.ABDUL SAMAD @ VALYAMKODAN
KILINAKKODE, MALAPPURAM-676 304.

R1 TO R5 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: A TRUE PHOTOCOPY OF THE COMPLAINT PREFERRED BY U.V.MOOSA
ALONG WITH ITS TRANSLATION.

EXHIBIT-P2: A TRUE PHOTOCOPY OF COMPLAINT DATED 14.01.2015.

EXHIBIT-P3: A TRUE PHOTOCOPY OF THE DISCHARGE SUMMARY.

EXHIBIT-P4: A TRUE PHOTOCOPY OF THE COMPLAINT FORWARDED THROUGH
EMAIL ID IGPTSRRANGE.POL@KERALA.GOV.IN.

EXHIBIT P5: A TRUE PHOTOCOPY OF THE COMPLAINT DATED 16.01.2015 WAS
PREFERRED TO 5TH RESPONDENT AND REQUESTED TO TRANSFER
THE POLICE OFFICER.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 2334 OF 2015

Dated this the 3rd day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondents 6 to 9 in view of the order which is being passed.

2. The petitioner has filed this writ petition alleging police harassment. Petitioner's case is that at the instance of 8th respondent, the 6th and 7th respondents had obstructed and manhandled the petitioner. He submits that petitioner has filed complaint against 6th and 7th respondents. It is submitted that police is harassing the petitioner and pressure is being put on the petitioner to withdraw the complaint and further not to take any action against the 8th respondent who is running a quarry.

3. We directed the learned Government Pleader to file a statement. Statement has been filed by the 3rd respondent wherein the incident dated 25.12.2014 regarding

the football tournament has been mentioned. It is stated that police authority has seized an autorikshaw found in the premises of the football ground in which wooden sticks and a knife were found and registered a crime. There was a clash between the petitioner and some other local people. Petitioner was taken to the police station and was released later. On the submission of a complaint by the petitioner, Crime No.77 of 2015 has been registered in which four persons were accused. A crime No.78 of 2015 has also been registered against the petitioner and one another.

4. The facts which are brought on record, did not appear to be a case of police harassment. The submission of the petitioner that police authorities are putting pressure on the petitioner to withdraw the complaint, does not comment us. It is always open for the petitioner to pursue the complaint if any. In so far as the quarry of 8th respondent is concerned, it is not necessary for us to express any opinion. It is open for the petitioner to take such steps. In the statement filed by 3rd respondent it is clearly stated that police is not putting any

pressure on the petitioner to withdraw the complaint nor 6th and 7th respondent will not in any manner harass the petitioner.

In view of the aforesaid, we do not see any harassment in this case. The Writ Petition is closed.

**Ashok Bhushan,
Acting Chief Justice.**

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