

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

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4369 of 2015 (U)

PETITIONER(S) :-

MOHANAN, AGED 48 YEARS
S/O. CHARLES, RESIDING AT SAIJU BHAVAN, MAILAMOODU
ARVIKKARA P.O., THIRUVANANTHAPURAM

BY ADV. SRI.M.DINESH

RESPONDENT(S) :-

1. SHAFI A, AGED 49 YEARS
S/O ABDUL RAHMAN, RESIDING AT SAJEELA MANZIL, PEYAD
THIRUVANANTHAPURAM 695 573
2. DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE
NEDUMANGAD - 695 541.
3. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACAUD
THIRUVANANTHAPURAM 695 004

R2 & R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1: TRUE COPY OF THE PARTNERSHIP DEED DATED 3.4.2014 BETWEEN THE PETITIONER AND 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE CERTIFICATE OF REGISTRATION UNDER THE KERALA VALUE ADDED TAXES RULES 2005 ISSUED TO C.M. CONSTRUCTIONS & EARTHMOVERS.

EXT.P3: TRUE COPY OF THE REGISTRATION CERTIFICATE OF MGV-TIPPER BEARING REGISTRATION NO.KL-21-E-5301.

EXT.P4: TRUE COPY OF THE VEHICLE TAX RECEIPT OF MGV TIPPER BEARING REGISTRATION NO. KL-21-E-5301.

EXT.P5: TRUE COPY OF THE GOODS CARRIAGE PERMIT OF MGV TIPPER BEARING REGISTRATION NO.KL-21-E-5301.

EXT.P6: TRUE COPY OF THE INSURANCE CERTIFICATE OF MGV-TIPPER BEARING REGISTRATION NO.KL-21-E-5301.

EXT.P7: TRUE COPY OF THE PARTNERSHIP DEED BETWEEN THE PETITIONER AND SREE ABI CONSTRUCTIONS DATED 22.5.2014.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.4369 of 2015

Dated this the 11th day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. This writ petition has been filed alleging police harassment and seeking for a direction to the 2nd respondent not to harass the petitioner and not to interfere with the legal action and execution of work as per Ext.P7.

3. Petitioner's case in the writ petition is that he and the first respondent had entered into a partnership. It is stated that the petitioner has an MGV - Tipper lorry. Thereafter, the petitioner entered into another partnership as per Ext.P7. Learned counsel for the petitioner submits that the petitioner has received a phone call from the 2nd respondent - Dy.SP asking him to settle the matter with the first respondent. On this ground, the petitioner has filed the writ petition alleging police harassment.

4. The mere fact that the Dy.SP has called the petitioner over phone and has informed that he may settle the matter with

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the first respondent, who has filed a complaint against the petitioner, we cannot assume that it is a case of police harassment. Since, the telephone call by Dy.SP was referring to the complaint and asking the petitioner to settle the matter with the first respondent, it cannot be termed as police harassment. No direction as prayed for can be issued in this writ petition.

Hence, the writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE