

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 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5973 of 2015 (V)

PETITIONER(S):

KUTTISANKARA GUPTAN,
S/O.APPUGUPTAN, AGED 67 YEARS,
VALAPPILTHODY, KATAMPAZHIPURAM,
PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S):

1. THE STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
PALAKKAD.
3. SUB INSPECTOR OF POLICE,
SREEKRISHNAPURAM POLICE STATION,
SREEKRISHNAPURAM, PALAKKAD DISTRICT.
4. P.J.JOSEPH, S/O.JOSEPH,
STAFF IN HDFC BANK,
AZHIYANNOOR POST, KADAMPAZHIPURAM,
PALAKKAD-678 633.

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP (C) .5973/15

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: COPY OF ORDER DATED 7.11.2013 IN CRL.R.P.NO.2187/2013
PASSED BY THIS HONOURABLE COURT.

EXHIBIT P2: COPY OF JUDGMENT DATED 18.3.2011 IN W.P(C).NO.8025/2011
PASSED BY THIS HONOURABLE COURT.

EXHIBIT P3: COPY OF JUDGMENT DATED 25.2.2013 IN W.P(C).NO.4945/2013
PASSED BY THIS HONOURABLE COURT.

EXHIBIT P4: COPY OF CHALAN DATED 5.2.2014 SHOWING PAYMENT MADE BY THE
PETITIONER.

EXHIBIT P5: COPY OF COMPLAINT DATED 2.2.2015 FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 5973 of 2015

Dated this the 25th February, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection inter alia contending that there is threat from the fourth respondent against whom the petitioner, being a money lender, initiated certain proceedings, in which the fourth respondent was convicted. He had filed criminal case under Section 138 of the Negotiable Instruments Act and the fourth respondent has on 2.2.2015 called upon the petitioner and threatened him that unless the case is withdrawn, he would send goondas and attack the petitioner. According to the petitioner, there is a festival in Vayillakunnu Temple on 5.3.2015, which will be held between 10 a.m and 10 p.m. During the said time there is every chance that the fourth respondent may send his goondas to attack the petitioner. Though Exhibit P5 complaint was given seeking police protection during the said time, no action is being taken by the Police. The

petitioner also submits that on an earlier occasion the petitioner obtained police protection at his expense during the festival period.

2. The learned State Attorney, on instruction, would submit that there has been no threat as alleged by the petitioner. The fourth respondent is a Bank employee and necessary enquiry in this regard had been conducted by the Police.

3. In view of the aforesaid factual situation and taking into account the apprehension of the petitioner that he might be attacked, we direct the Police to keep a constant vigil on the activities of the fourth respondent and ensure that law and order situation is maintained.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**