

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 9922 of 2013 (M)

PETITIONER :

**ADV.M.P. CHOTHY
MACHERIKKUDY HOUSE, PATTAL-PANKULAM ROAD,
IRINGOLE KARA, PERUMBAVOOR VILLAGE, IRINGOLE P.O.
PIN-683548.**

BY ADV. SRI.P.P.JACOB

RESPONDENTS :

- 1. ADV.JOSEPH SEBASTIAN
TEMPLE ROAD, PERUMBAVOOR P.O., PIN-683542.**
- 2. ANEESH, AGED ABOUT 30 YEARS,
S/O.SAJINI, D/O.LATE SREEDHARAN, MEPRATHUMALI HOUSE
IRINGOLE KARA, NOW RESIDING AT ERUMAKKATTU HOUSE,
KAIPPATTOOR, KALADY**
- 3. USHA, AGED ABOUT 55 YEARS,
D/O. LATE SREEDHARAN, MEPRATHUMALI HOUSE,
PATTAL-PANKULAM ROAD, IRINGOLE KARA
PERUMBAVOOR VILLAGE, IRINGOLE P.O., PIN-683548.**
- 4. VIJAYAKUMAR, AGED 54 YEARS, ANJANEYAM HOUSE,
R.T.O.ROAD, IRINGOLE P.O. ,PIN-683548.**
- 5. ANAND, AGED ABOUT 28 YEARS,
S/O.VIJAYAKUMAR, ANJANEYAM HOUSE, R.T.O ROAD
IRINGOLE KARA, PERUMBAVOOR VILLAGE, IRINGOLE P.O.
PIN-683548.**
- 6. PARIJATHAMMA, AGED ABOUT 69 YEARS,
SAI SREEVALSAM HOUSE, PATTAL PANKULAM ROAD
IRINGOLE KARA, IRINGOLE P.O., PIN-683548.**
- 7. RENUKA DEVI, AGED ABOUT 49 YEARS,
D/O.PARINATHAMMA, SAI SREEVALSAM HOUSE
PATTAL-PANKULAM ROAD, IRINGOLE KARA, IRINGOLE P.O.
PIN-683548.**

WP(C).No. 9922 of 2013 (M)

**8. STATION HOUSE OFFICER,
PERUMBAVOOR POLICE STATION, PERUMBAVOOR P.O.
PIN-683542.**

**9. DY. SUPERINTENDENT OF POLICE, PERUMBAVOOR
PERUMBAVOOR P.O., PIN-683542.**

**10. SUPERINTENDENT OF POLICE,
ERNAKULAM DISTRICT, ALUVA RURAL, PIN-683101.**

**11. DIRECTOR GENERAL OF POLICE
POLICE HQRS, THIRUVANANTHAPURAM-695001.**

**12. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR OF
HIGH COURT OF KERALA.**

**R1 BY ADVS. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
R4 & R5 BY ADV. SRI.S.PRASANTH
R8 TO R12 BY SENIOR GOVERNMENT PLEADER SRI.C.K. SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE JUDGMENT OF OS 197/08.
- EXHIBIT P2 : TRUE COPY OF THE NEWS ITEM IN MATHRUBHUMI DAILY DT.19-2-2013.
- EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION ISSUED BY PETITIONER ON 14-3-12 TO ALUVA RURAL S.P. & OTHERS.
- EXHIBIT P4 : TRUE COPY OF THE FIR 235/2013 DT.17-2-2013 ISSUED BY PERUMBAVOOR POLICE TO THE PETITIONER.
- EXHIBIT P5 : TRUE COPY OF THE E MAIL MESSAGE ISSUED BY THE PETITIONER ON 24-2-2013 TO D.G.P.KERALA.
- EXHIBIT P6 : TRUE COPY OF THE E MAIL MESSAGE ISSUED BY THE PETITIONER ON 27-2-2013 TO THE I.G.P.C.R.
- EXHIBIT P7 : TRUE COPY OF THE APPLICATION UNDER R.T.I.ACT ISSUED BY PETITIONER TO THE PUBLIC INFORMATION OFFICER, OFFICE OF D.G.P., KERALA.
- EXHIBIT P8 : TRUE COPY OF THE ACKNOWLEDGMENT CARD ISSUED BY THE PUBLIC INFORMATION OFFICER ON 13-3-2013.
- EXHIBIT P9 : TRUE COPY OF THE PETITION DATED 17-2-2013 ISSUED BY PETITIONER TO PERUMBAVOOR POLICE.

**RESPONDENT(S)' EXHIBITS :
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- EXT.R1(A): COPY OF NOTICE ISSUED BY THE PETITIONER TO THE R1 ON 251/2013.
- EXT.R1(B): COPY OF NOTICE NO.CP. 68/2010 ISSUED BY BAR COUNCIL OF KERALA TO THE PETITIONER DT 30/8/2010.
- EXTR1(C): COPY OF C.M.P. 342/2013 FILED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR ON 19/2/2013.
- EXT.R1(D): COPY OF PLAINT IN OS 223/2008 FILED BY PETITIONER BEFORE MUNSIF COURT, PERUMBAVOOR ON 23/6/2008.
- EXT.R1(D)(A): COPY OF ENGLISH TRANSLATION OF EXHIBIT R1 (D).
- EXT.R1(E): COPY OF JUDGMENT IN S 112/11 OF MUNSIF'S COURT PERUMBAVOOR DT 22/8/2012.
- EXT.R1(F): COPY OF JUDGMENT IN AS 47/10 OF SUB COURT, PERUMBAVOOR DT 24/9/2011.

WP(C).NO. 9922 OF 2013 (M)

- EXT.R1(F)(A): COPY OF ENGLISH TRANSLATION F THE MALAYAM STATEMENT IN EXHIBIT R1(F).**
- EXT.R1(G): COPY F JUDGMENT IN CRIMINAL M.C.486/09 OF THIS HONOURABLE COURT DT 03/04/2009.**
- EXT.R1(H): COPY OF COMPLAINT FILED BY PETITIONER BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, PERMBAVOOR AS C.M.P. 558/12 O 19/3/12/.**
- EXT.R1(H)(A): COPY OF ENGLISH TRANSLATION F EXHIBIT R1(H).**
- EXT.R1(I): COPY OF COMPLAINANT FILED BY PETITIONER BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR AS C.M.P. 980/2012 DT 18/5/2012.**
- EXT.R1(I)(A): COPY OF ENGLISH TRANSLATION F EXHIBIT R1(I).**
- EXT.R1(J): COPY OF CMP 1290/12 FILED BY PETITIONER BEFORE JUDICIAL FIRS CLASS MAGISTRATE COURT, PRUMBAVOOR N 3/7/2012.**
- EXT.R1(K): COPY OF CM.P. 214812 FILED BY PETITIONER BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT PERUMBAVOOR IN THE MONTH OF NOVEMBER 2012.**
- EXT.R1(L): COPY OF C.M.P. 2242/2012 FILED BY PETITIONER BEFORE JUDICIAL FIRST CLASS MAGISTRATE CURT PERUMBAVOOR ON 28/12/2012.**
- EXT.R1(M): COPY OF CM.P. 94/13 FILED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT PERUMBAVOOR ON 21/1/2013 WITH OUT ANNEXURES**
- EXT.R1(N): COPY OF CMP 177/13 FILED BY PETITIONER ON 19/1/2013 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT EPRUMBAVOOR.**
- EXT.R1(N)(A): COPY OF ENGLISH TANSLATION OF EXHIBIT R1 (N).**
- EXT.R1(O): COPY OF COMP 295/13 FILED BY PETITIONER BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT PERUMBAVOOR ON 15/12/2013.**
- EXT.R1(O)(A): COPY OF ENGLISH TRANSLATION OF RELEVANT PORTION OF EXHIBIT R1(O).**
- EXT.R1(O)(B): TRUE ENGLISH TRANSLATION OF RELEVANT PORTION OF EXHIBIT R1(O).**

//TRUE COPY//

P.A. TO JUDGE

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

W.P(C). No. 9922 of 2013

Dated this the 1st day of December, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection alleging that certain miscreants had at the instance of respondents 1 to 7 attacked the petitioner and though crime has been registered, no further action has been taken in the matter. The attacks still continued and since there was severe threat from the private respondents, the petitioner filed a complaint to the police seeking adequate police protection. Since nothing has been done in the matter, this writ petition has been filed.

2. Counter affidavit has been filed by the first respondent denying allegations against him. It is stated that several cases had been filed by the petitioner against various persons before the Judicial First Class Magistrate, Perumbavoor. It is contended that the petition had been filed raising frivolous allegations.

3. Learned Government Pleader on instructions would

submit that a crime has already been registered and the investigation is still pending. Thereafter, no untoward incident has been reported. However, police is keeping a constant vigil on the activities of the writ petitioner as well as the private respondents.

Hence we close the writ petition with liberty to the petitioner to approach the police if any further cause of action arises.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE