

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 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 8479 of 2015 (H)

PETITIONER:

**LATHEESH AGED 35 YEARS, S/O. NARAYANAN,
THEKKERUKKATTU HOUSE, RAJAKUMARI P.O.,
RAJAKUMARI VILLAGE, IDUKKI DISTRICT.**

BY ADV. SRI.S.JIJI

RESPONDENTS:

- 1. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE POLICE SUPERINTENDENT,
CIVIL STATION COMPLEX, KUYILIMALA, PAINAVU,
IDUKKI DISTRICT - 685 602.**
- 2. THE DV. SUPERINTENDENT OF POLICE, OFFICE OF THE DY.S.P.,
MUNNAR, IDUKKI DISTRICT - 685 612.**
- 3. THE SUB INSPECTOR OF POLICE,
RAJAKUMARI POLICE STATION, RAJAKUMARI, IDUKKI**

BY SENIOR GOVERNMENT PLEADER SRI.C.R. SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 - COPY OF THE PLAINT IN O.S. NO.11/2015 FILED BEFORE THE HON'BLE MUNSIFF COURT, DEVIKULAM**
- EXHIBIT P2 - COPY OF THE ORDER IN I.A. NO.58/2015, IN O.S. NO.11/2015 OF DEVIKULAM MUNSIFF'S COURT DATED 11.2.2015**
- EXHIBIT P3 - COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT ON 3.3.2015**
- EXHIBIT P3(A) - THE ENGLISH TRANSLATION OF EXT.P3**

RESPONDENT'S EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

ASHOK BHUSHAN, Ag. C.J.

&

A.M. SHAFFIQUE, J.

W.P.(C) No. 8479 of 2015 (H)

Dated this the 23th day of March, 2015

J U D G M E N T

A.M.Shaffique, J.

The petitioner has approached this Court alleging harassment by the Police.

2. It is *inter alia* contended that there was a warrant pending against him in a case filed under section 138 of Negotiable Instruments Act. The case was settled, but still the Police had summoned the petitioner to the Police Station and was asked to wait in the Police Station till evening. He was asked by the Police, not to enter into the property belonging to him, having an extent of 4.61 acres in Survey No.2002/2 and 2003/2 of Rajakkad Village. According to the petitioner, he was released only when his lawyer appeared before the Police Station. This, according to him, amounts to harassment and he cannot be asked not to enter into his own property. The petitioner has also stated that he has filed O.S. No.11/2015 before Devikulam

Munsiff Court and an interim order of injunction has been granted in his favour.

3. The learned Government Pleader, on instructions, would submit that the issue involved is totally different. There was a complaint from a person alleging that the petitioner had trespassed into his property and committed waste, for which a crime has been registered as Crime No.51/2015. It was in respect of an incident which occurred on 26.01.2015. Later, another complaint was raised by the very same person alleging that the petitioner had again destroyed the balance pepper wine in his property on 28.02.2015. Again, a crime has been registered as Crime No.119/2015, in which the petitioner was arrested and later released on bail. Further, it is submitted that the petitioner is involved in several other cases and proceedings under Section 107 of Cr.P.C. is pending before the Sub Divisional Magistrate. It is therefore contended by the learned Government Pleader that the petitioner is a habitual offender and summoning him to the Police Station does not amount to harassment.

4. Having regard to the aforementioned facts and circumstances, we also do not think that a case of harassment by the Police is made out by the petitioner. The petitioner is involved in several cases which are not disclosed in the writ petition as well. Under such circumstances, the petitioner is not entitled for any reliefs as sought for from this Court.

Accordingly this Writ Petition is dismissed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.