

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. 8598 of 2015 ()

PETITIONER:

**SIBI MATHEW AGED 40 YEARS
VIVEKANANDA NAGAR PO. RAMDAS NAGAR, KASARGOD TALUK
KASARGOD DISTRICT**

BY ADV. SRI.SHINDO VARGHESE

RESPONDENTS:

- 1. STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM 695001**
- 2. THE DISTRICT POLICE CHIEF
KASARGOD DISTRICT, KASARGOD 671001**
- 3. THE SUB INSPECTOR OF POLICE
BEKAL POLICE STATION, KASARGOD DISTRICT 671318**

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:**

WP(C).No. 8598 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

P1: TRUE COPY OF THE COMPLAINT IN CC NO.998/2014 FILED BY THE WIFE OF THE PETITIONER BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, KASARGOD

P2: TRUE COPY OF THE REPRESENTATION DATED 28.02.2015 SUBMITTED BY THE PETITIONER BEFORE RESPONDENTS 1 AND 2

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

ASHOK BHUSHAN, Ag. C.J.

&

A.M. SHAFFIQUE, J.

W.P.(C) No. 8598 of 2015 (Y)

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 the wife of the petitioner has filed a complaint against one Muhammed Arif under section 138 r/w section 142 of the Negotiable Instruments Act, which is pending consideration before the Chief Judicial Magistrate Court as C.C. No.998/2014. While so, at the instance of the said Muhammed Arif, Police is unnecessarily summoning the petitioner and is calling upon the petitioner and his wife to withdraw the said case. This, according to the petitioner, amounts to harassment which

the Police has no right to demand and hence he has approached this Court.

3. The learned Government Pleader, on instructions, would submit that the petitioner and his wife is involved in money lending business and a crime has been registered by the Police against the petitioner and his wife and another person as Crime No.981/2014. The petitioner and his wife is in possession of several documents and cheque leaves belonging to other persons and it was for the purpose of investigating the said crime that the petitioner has been summoned to the Police Station.

4. The contention urged by the learned Government Pleader would clearly disclose that the Police has summoned the petitioner only for investigation in Crime No.981/2014 and it is not in connection with C.C. No.998/2014. Under

such circumstances, we do not think that summoning the petitioner to the Police Station would amount to police harassment, and accordingly we do not intend to pass any order in this Writ Petition.

The Writ Petition is accordingly dismissed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj