

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C) .No. 8985 of 2015 (W)

PETITIONER(S) :

1. SAFFIYA AGED 61 YEARS
S/O.LATE AZAD, PALLIMANJAYALIL HOUSE
KADAVALLOR VILLAGE, THALAPPILLY TALUK
KORATTIKKARA POST
THRISSUR DISTRICT - 680 543.
(KUNAMKULAM POLICE STATION LIMIT)

2. ASEF AGED 39 YEARS
S/.LATE AZAD, PALLIMANJAYALIL HOUSE
KADAVALLOR VILLAG, THALAPPILLY TALUK
KORATTIKKARA POST, THRISSUR DISTRICT - 680 543.

BY ADVS.SRI.K.SHIBILI NAHA
SRI.SAJU RAGHAVAN

RESPONDENT(S) /RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY SECRETARY, HOME DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE
THIRUVANANTHAPURAM.

3. DISTRICT POLICE CHIEF
THRISSUR.

4. C.I OF POLICE
KUNNAMKULAM.

5. MR.RAJAN
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
SUB INSPECTOR OF POLICE, KUNNAMKULAM.

6. UNNIKRISHNAN M A
S/O.APPUKUTTAN, MANGADI HOUSE, VENGIDANGU P.O.
THRISSUR DISTRICT, PIN - 680 510.

7. P S SATHYAN
S/O.SANKURU, PUNNA HOUSE, NENMINI P.O.
THRISSUR DISTRICT, PIN - 680 104.

8. A V ASOKAN
S/O.VELAYUDHAN, ANTHIKKATU HOUSE, P.O.GURUVAYOOR
KARAKKAD - 680 101, THRISSUR DISTRICT.

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9. MANEESH KUMAR
S/O.AIYINIPPULLY SADHANANDAN, THENMARAYOR - 680 505
THRISSUR DISTRICT.

10. VALSAN K S
S/O.SANKARAN, KONDARAM VALAPPIL, THENMARAYOR
THRISSUR - 680 505.

11. K ABU
S/O.AALU, KOLATHIRI HOUSE, ERAMANGALAM
THRISSUR.

R1-R4 BY GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF THE AGREEMENT (WITH ENGLISH TRANSLATION) ENTERED INTO BETWEEN THE 2ND PETITIONER AND RESPONDENTS 6 TO 10 DATED 04/11/2013.

EXT.P2: TRUE COPY OF THE PETITION DATED 10/02/2015 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 5TH RESPONDENT AND ITS ENGLISH TRANSLATION.

EXT.P3: TRUE COPY OF ACKNOWLEDGMENT EVIDENCING RECEIPT OF EXT.P2 AND ITS ENGLISH TRANSLATION.

EXT.P4: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT ON 12/02/2015 AND ITS ENGLISH TRANSLATION.

EXT.P5: TRUE COPY OF THE RECEIPT DATED 12/02/2015 EVIDENCING THE EXT.P4 AND ITS ENGLISH TRANSLATION.

EXT.P6: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 12/02/2015 AND ITS ENGLISH TRANSLATION.

EXT.P7: TRUE COPY OF THE MEDICAL RECORD DATED 13/02/2015 ISSUED FROM THE GOVERNMENT MEDICAL COLLEGE, ERNAKULAM.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 8985 of 2015

Dated this the 11th June, 2015

JUDGMENT

Ashok Bhushan, CJ.

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

2. This Writ Petition has been filed alleging Police harassment. The petitioners' case is that the petitioners had filed a complaint before the fifth respondent. The allegation is that the petitioners have been threatened to withdraw Exhibit P2. Learned counsel for the petitioners submitted that the complaint is not being properly enquired and an order be issued for directing enquiry on the complaint by the higher authorities.

3. A statement has been filed by the fourth respondent, where receipt of the complaint has been acknowledged. It has further been stated that in pursuance of the complaint the fifth respondent

summoned the petitioners and the party respondents. The party respondents appeared and their statements have been recorded. Though the petitioners were summoned, they did not appear and ultimately the fifth respondent went to the house of the petitioners to record their statement. The first petitioner gave statement before the fourth respondent, but the second petitioner refused to sign the statement and has not given any statement till date.

4. In view of the facts as brought on record, we do not find that it is a case of Police harassment. The petitioners may co-operate with the complaint. We only observe that the Police authorities shall enquire the complaint in accordance with the procedure prescribed in the Code of Criminal Procedure.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**