

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

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 9016 of 2015 (B)

PETITIONER:

**NOOR MOHAMMED, AGED 53 YEARS,
S/O. MOHAMMED MEERA SAHIB, NOOR GEMS,
T.C.NO. 38/2403, ARYASALA, THIRUVANANTHAPURAM.**

BY ADV. SRI.NOORJI NOUSHAD.

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY THE HOME SECRETARY, HOME DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM-695 001.**
- 3. THE SUPERINTENDENT OF POLICE (RURAL),
ERNAKULAM-682 031.**
- 4. SHIBU, SUB INSPECTOR OF POLICE,
NORTH PARAVOOR POLICE STATION, ERNAKULAM-683 513.**
- 5. POULOSE, S.I. OF POLICE,
BINANIPURAM POLICE STATION,
ERNAKULAM-682 038.**

R1 TO R3 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- | | |
|----------------|--|
| EXHIBIT P1- | TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE CHIEF MINISTER. |
| EXHIBIT P1(A)- | ENGLISH TRANSLATION OF EXHIBIT P1. |
| EXHIBIT P2- | TRUE COPY OF REPRESENTATION FILED BEFORE THE 2ND RESOONDENT. |
| EXHIBIT P2(A)- | ENGLISH TRANSLATION OF EXT. P2. |
| EXHIBIT P3- | TRUE COPY OF CIRCULAR DATED 05-02-2015. |
| EXHIBIT P3(A)- | ENGLISH TRANSLATION OF EXHIBIT P3. |

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

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

W.P.C.No.9016 of 2015

Dated this the 20th day of March 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court alleging harassment by the police. It is inter alia alleged that the petitioner, being a diamond and gem merchant, he is not involved in any purchase of gold or gold ornaments. Complaint of the petitioner is that under the guise of certain investigation, gold ingots have been collected from the petitioner and produced before the Court alleging that the petitioner was dealing in stolen gold articles. In that process, petitioner was called upon to surrender 6.5 sovereigns of gold and later 11.5 sovereigns of gold. Though representations were made through the Association, it did not yield any result. According to the petitioner, the aforesaid action of respondents 4 and 5 clearly amounts to harassment and therefore appropriate directions are to be

issued by this Court to prevent such harassment against him.

2. Learned State Attorney, on instructions, would submit that with reference to certain crimes which were detected in the State of Tamil Nadu, on questioning one of the accused, information was received regarding certain crimes registered within the jurisdiction of Aluva, Perumbavoor and Binanipuram police station and on apprehending one of the accused, information was received that the petitioner was indulging in purchase of stolen gold ornaments. Accordingly, recovery was effected in accordance with the procedure prescribed. Petitioner is the 4th accused in few of the crimes. Under such circumstances, it is submitted that the recovery had been effected in accordance with law and there is no violation of Ext.P3 circular, as contended by the learned counsel for the petitioner.

3. Having regard to the aforesaid submission, learned counsel for the petitioner submits that so far no

information has been received regarding the petitioner being made accused in the case.

4. It is also submitted by the learned State Attorney that, as matters stand now, the petitioner is absconding, which is disputed by the learned counsel for the petitioner.

5. Be that as it may, having regard to the fact that the police has conducted investigation based on the information received and the petitioner has also been made accused in few cases, it is not a case of police harassment or there is any illegality in the recovery being effected. It is always open for the petitioner to agitate his defence in appropriate proceedings.

With these observations, this writ petition is dismissed.

(sd/-)
**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

