

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10858 of 2015 (F)

PETITIONER :

**SRI.JUBY JOHN, AGED 38 YEARS,
S/O.K.J.JOHN, REJI BHAVANAM, PANNIVIZHA,
ADOOR P.O., PIN -691 523.**

BY ADV. SRI.K.K.SETHUKUMAR

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA.PIN-689 645**
- 2. SRI.NANDAKUMAR,
CIRCLE INSPECTOR OF POLICE, ADOOR,
PATHANAMTHITTA DISTRICT.PIN-689 645**
- 3. SRI.MOHANKUMAR, S/O.BHASKARAN PILLAI,
SREEPADMAM VEEDU, METHUKUMMEL,
PATTAZHIVADAKKEKARA VILLAGE, KOLLAM DISTRICT.**

R1 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 10858 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE COMPLAINT MADE BY THE PETITIONER BEFORE
THE 1ST RESPONDENT DATED 23.03.2015.**

EXHIBIT-P1(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P1.

**EXHIBIT-P2: TRUE COPY OF THE RECEIPT OF ACCEPTANCE OF EXHIBIT-P1 ISSUED
FROM THE 1ST RESPONDENT'S OFFICE DT. 23.03.2015.**

EXHIBIT-P2(A): TRUE ENGLISH TRANSLATION OF EXHIBIT-P2.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

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

W.P.C.No.10858 of 2015

Dated this the 1st day of April 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court alleging harassment by the police. According to him, he has sold a vehicle to the 3rd respondent for an amount of Rs.3,50,000/-. The 3rd respondent, who is a retired Tahsildar, alleges that the petitioner entered into another sale agreement for the vehicle and is liable to pay a further amount of Rs.3,50,000/- to the 3rd respondent. For this purpose, the police had summoned the petitioner and is insisting that he should pay the amount to the 3rd respondent for which he has no responsibility.

2. Learned State Attorney, on instructions, would submit that the petitioner has sold the vehicle to the 3rd respondent. The transaction was complete and later 3rd respondent entrusted the vehicle with the petitioner for reselling the same. The complaint of the 3rd respondent is

that the petitioner had sold the vehicle but the money was not returned to the 3rd respondent. The matter was enquired into and a crime has been registered. But the 3rd respondent submits that no such crime is required to be registered and he is only interested in getting back his money. As the 3rd respondent was only interested in getting back the money without registering a complaint, police could not do anything further in the matter.

3. Having regard to the aforesaid submission, it is clear that the police had summoned the petitioner in relation to the above said incident. If the petitioner is summoned on the basis of the complaint given by the 3rd respondent, it does not amount to harassment. There is no basis for the complaint and accordingly the writ petition is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

