

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 10867 of 2015 (G)

PETITIONER :

**ABEY JOSEPH
7/1242E SHARON HOUSE,
RECCA VALLEY, KAKKANAD
KOCHI-682030.**

**BY ADVS.SRI.SEBASTIAN PAUL
SMT.LIZAMMA AUGUSTINE
SRI. RON BASTIAN
SMT.SABEENA P. ISMAIL
SRI.BEN TOM**

RESPONDENT(S) :

- 1. THE COMMISSIONER OF POLICE
VIJAYAWADA CITY – 520 001.**
- 2. MURALI RAMAKRISHNA
CIRCLE INSPECTOR OF POLICE/VUYYURU CIRCLE
VIJAYAWADA – 521 165.**
- 3. THE STATION HOUSE OFFICER
VUYYURU TOWN POLICE STATION
VIJAYAWADA-MACHILIPATNAM ROAD,
ANDHRA PRADESH – 521 165.**
- 4. RAMESH
HEAD CONSTABLE,
VUYYURU TOWN POLICE STATION
VIJAYAWADA-MACHILIPATNAM ROAD
ANDHRA PRADESH 521 165.**
- 5. STATE OF ANDHRA PRADESH
REPRESENTED BY THE HOME SECRETARY
GOVERNMENT SECRETARIAT, HYDERABAD-500 001.**

6. THE EMIGRATION OFFICER
CALICUT INTERNATIONAL AIRPORT,
KARIPUR, MALAPPURAM.

7. THE REGIONAL PASSPORT OFFICER
PANAMPILLY NAGAR, KOCHI-682 036.

R6 & R7 BY ADV. SRI.N.NAGARESH, ASGI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

...3/-

WP(C).No. 10867 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE NOTICE 23.02.2015.

EXHIBIT-P2: TRUE COPY OF THE ORDER DATED 20.02.2015.

**EXHIBIT-P3: TRUE COPY OF THE PAGE TAKEN FROM THE WEBSITE OF
VIJAYAWADA POLICE.**

**EXHIBIT-P4: TRUE COPY OF THE NOTICE DATED 25.02.2015 SENT TO THE FIRST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 10867 of 2015

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Dated, this the 6th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (i) Direct the first respondent to remove forthwith the petitioners name and picture from vijayawadpolice.org
- (ii) Direct the first and fifth respondents to pay adequate compensation, as fixed by this Court, for the ordeal and humiliation suffered by the petitioner due to the illegal and unlawful activities of the second and third respondents.
- (iii) Direct the second and third respondents to immediately deliver the confiscated passport J 6489248 in good condition to the petitioner in Kochi.
- (iv) Direct the seventh respondent, as an alternative remedy to issue a fresh/duplicate passport to the petitioner; and
- (v) Award exemplary costs.

2. Going by the pleadings and proceedings, it is seen that the petitioner was taken into custody by the Police officials of the State of

Andhra Pradesh on his arrival at International Airport, Calicut and thereafter taken to Vuyyuru, near Vijayawada. It is stated that the passport of the petitioner is still in custody of the police officials of Andhra Pradesh.

3. The learned counsel for the petitioner submits that the petitioner has been harassed at the instance of wife of the petitioner, who has lodged a complaint under Section 498 (A) of IPC. Apprehending coercive steps, the petitioner had preferred application for anticipatory bail. After considering the same, Ext. P2 order was issued by this Court enabling the petitioner to move the Andhra Pradesh High Court for relief under Section 438 of Cr.P.C. , as mentioned in paragraph 3 of Ext. P2.

3. The case of the petitioner is that the petitioner could not proceed to Andhra Pradesh High Court, since the enquiry made revealed that, wife of the petitioner had not filed any petition under Section 498(A) of IPC.

4. Going by the pleadings and proceedings, this Court finds that since the relief sought for is mainly against the 5th respondent, who does not come within the jurisdiction of this Court in view of the territorial limits, the writ petition is not maintainable.

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: 3 :

In the said circumstances, interference is declined and the writ petition is dismissed, without prejudice to the right of the petitioner to move the appropriate Court.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd