

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYASHTA, 1937

WP(C).No. 12952 of 2015 (T)

PETITIONER(S):

JOMY JOSE AGED 38 YEARS
S/O. JOSE, OLAKKENGIL HOUSE, VELUR PO
THRISSUR DISTRICT, PIN-680 601

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM, PALAYAM PO, PIN-695001

2. THE SUPERINTENDANT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE
THRISSUR DISTRICT, CIVIL STATION, AYYANTHOLE PO
PIN- 680003

3. SUB INSPECTOR OF POLICE
WADAKKANCHERRY POLICE STATION, WADAKKANCHERRY PO
THRISSUR 680582

4. CIRCLE INSPECTOR OF POLICE, POLICE CIRCLE OFFICE
WADAKKANCHERRY PO, THRISSUR 680 582

5. SUBRAMANIAN,
ANNAMTHODU HOUSE, P[O MULAMKUNNATHUKAVU
PARAKUNNU DESOM, KILLANNUR VILLAGE, THRISSUR DISTRICT
PIN-680581

6. VIPIN, S/O. MOHANAN
GURUKRIPA HOUSE, AZHIKKODE DESOM, PALLUKKUNNU VILLAGE
KANNUR DISTRICT, PIN-670009

7. GIREESH
S/O. KUNHIRAMAN, PUTHENPURAYIL HOUSE
PARASSINIKADAVU DESOM, ANTHUR VILLAGE, KANNUR DISTRICT
PIN-670009

8. SAJEEVAN, S/O. KRISHNANA, KUNNATH HOUSE,
VEEROLIPADAM DESOM,
THEKKUMKARA VILLAGE, THRISSUR 680589

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9. JAMES, S/O KURIAKOSE,
VALAYIL VEEDU, CHETTAKKATTUR VILLAGE, MANANTHAWADY PO
WAYANAD 670 645

R5,R 8 BY ADV. SRI.SANTHEEP ANKARATH
R6,R7&9 BY ADV. SRI.P.P.BIJU
R1-R4 BY ADV. STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12952 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO
295/2015 OF WADAKKANCHERRY POLICE STATION DATED 02.4.2015

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

EXHIBIT P2: TRUE COPY OF THE FIRST INFORMATION STATEMENTS IN CRIME NO.
295/2015 OF WADAKKANCHERRY POLICE STATION DATED 02.4.2015

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

EXHIBIT P3: TRUE COPY OF THE 161 STATEMENT GIVEN BY THE PETITIONER IN
CRIME NO, 295/2015 OF WADAKKANCHERRY POLICE STATION DATED 04.4.2015

EXHIBIT P3(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P3

EXHIBIT P4: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO, 294/2015 IF WADAKKANCHERRY POLICE STATION DATED 1.4.2015

EXHIBIT P4(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P4

EXHIBIT P5: TRUE COPY OF THE ORIGINAL PETITION (ARBITRATION) NO.171 OF
2015 ON THE FILE OF THE DISTRICT COURT, THRISSUR FILED BY THE 5TH
RESPONDENT DATED 13.3.2015

EXHIBIT P6: TRUE COPY OF IA NO. 825/2015 IN ORIGINAL PETITION
(ARBITRATION) NO.171 OF 2015 ON THE FILE OF THE DISTRICT COURT,
THRISSUR FILED BY THE 5TH RESPONDENT DATED 13.3.2015

EXHIBIT P7: TRUE COPY OF THE COMPLAINT LODGED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT DATED 13.4.2015

EXHIBIT P7(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P7

EXHIBIT P8: TRUE COPY OF THE COMPLAINT LODGED BY THE PETITIONER BEFORE
THE 4TH RESPONDENT DATED 19.4.2015

EXHIBIT P9: TRUE ENGLISH TRANSLATION OF EXHIBIT P8

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 12952 of 2015

Dated this the 1st June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection. He claims that he is running an establishment by name “K.J.Lube” at the Industrial Park, Athani. The petitioner submits that respondents 5 to 9 had trespassed into the factory shop and has manhandled his workmen and created a lot of destruction to the equipments, machineries etc. Though Police had registered a case as Crime No.294/2015 and the accused were arrested, they were released on bail. The petitioner submits that he had given a complaint before the fourth respondent and another Crime has also been registered as Crime No.295/2015, which is against respondents 5 to 9,

which is also pending investigation. The petitioner's grievance is that even though Exhibits P2 and P3 statements revealed non-bailable offences under Sections 452 and 379 IPC, the same was not incorporated. He apprehends that the party respondents will again create law and order situation and he, on the fear of threat to his life, has approached this Court seeking police protection. Though the petitioner has filed Exhibit P8 complaint, no action is taken by the Police and the Police may not take appropriate action without appropriate directions by this Court.

2. Respondents 5 to 9 are represented before this Court through separate counsel. They submit that they have no intention to create any problem as alleged by the petitioner. The Police have already taken appropriate action in the matter.

3. Having regard to the aforesaid factual situation, we are of the view that the Police can interfere in the matter only if any offence is committed or there is

attempt to commit offence. The petitioner has already given Exhibit P7 complaint before the higher officer complaining inaction on the part of the police officers. If the petitioner is not satisfied with the action of the police officers, it is always open for the petitioner to file private complaint before the appropriate Court or take steps in accordance with law. In this Writ Petition it is not open for them to seek such relief other than a direction to the Police to provide adequate protection.

4. As matters stand now, learned counsel for respondents 5 to 9 submit that they have no intention to create any law and order problem. In such circumstances, we do not think that a direction as sought for is required to be passed. However, we make it clear that if any offence is committed or there is attempt to commit offence, on the complaint of the petitioner, the Police shall make necessary enquiry and take appropriate action in accordance with law.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs2/6/15