

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 13000 of 2015 (Y)

PETITIONER(S) :-

BHUVANENDRAN
S/O.JANARDHANAN, VARAMBEL VEEDU, KESAVAPURAM
AYANIVELIKULANGARA VILLAGE, KARUNAGAPPALLY P.O.
KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :-

1. THE STATE POLICE CHIEF
POLICE HEADQUARTERS, VAZHUTHACAUD P.O.
THIRUVNANTHAPURAM-695003.
2. THE COMMISSIONER OF POLICE
KOLLAM CITY, KOLLAM-691001.
3. THE ASSISTANT COMMISSIONER OF POLICE
KARUNAGAPPALLY, KARUNAGAPPALLY P.O., KOLLAM-690518.
4. THE CIRCLE INSPECTOR OF POLICE
KARUNAGAPPALLY, KARUNAGAPPALLY P.O., KOLLAM- 690518.
5. THE STATION HOUSE OFFICER
KARUNAGAPPALLY POLICE STATION, KARUNAGAPPALLY P.O.
KOLLAM DISTRICT, 690518.
6. SHRI SUDHAKARAN
REGHA BHAVANAM, AYANIVELIKULANGARA VILLAGE
KARUNAGAPPALLY P.O., KOLLAM-690518.
7. SHRI.GOPI, POCHAYIL VADAKKETHIL, KESAVAPURAM MURI
AYANIVELIKULANGARA VILLAGE, KARUNAGAPPALLY P.O.
KOLLAM-690518.
8. SHRI.MOHANAN PILLAI
THODILAZHITHU PADEETTATHIL, KESAVAPURAM MURI
AYANIVELIKULANGARA VILLAGE, KARUNAGAPPALLY P.O.
KOLLAM-690518.

9. SHRI.MATHEW, S/O.MATHAI, KUTTIKULANGARA, KESAVAPURAM
AYANIVELIKULANGARA VILLAGE, KARUNAGAPPALLY P.O.
KOLLAM-690518.
10. SHRI.MOHANAN, KANDATHIL PUTHEN VEEDU, KESAVAPURAM
AYANIVELIKULANGARA VILLAGE, KARUNAGAPPALLY P.O.
KOLLAM-690518.
11. SHRI.MANOCHARAN, S/O.SREEDHARAN, REMA BHAVANAM,
KESAVAPURAM, AYANIVELIKULANGARA VILLAGE,
KARUNAGAPPALLY P.O., KOLLAM-690518.

R6-R11 BY ADV. SRI.N.VIMALAN

R1-R5 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 13000 of 2015 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT-P1: THE TRUE COPY OF THE ACCIDENT REGISTER CUM WOUND CERTIFICATE ISSUED FROM THE TALUK HEADQUARTERS HOSPITAL, KARUNAGAPPALLY DATED 19/04/2015 TO THE PETITIONER AND ITS ENGLISH TRANSLATION.

EXHIBIT-P2: THE TRUE COPY OF THE ACCIDENT REGISTER CUM WOUND CERTIFICATE ISSUED FROM THE TALUK HEADQUARTERS HOSPITAL, KARUNAGAPPALLY DATED 19/04/2015 TO THE PETITIONER'S WIFE SMT.SUMA AND ITS ENGLISH TRANSLATION.

EXHIBIT-P3: THE TRUE COPY OF THE ACCIDENT REGISTER CUM WOUND CERTIFICATE ISSUED FROM THE TALUK HEADQUARTERS HOSPITAL, KARUNAGAPPALLY DATED 19/04/2015 TO THE PETITIONER'S YOUNGER DAUGHTER ARODHARA AND ITS ENGLISH TRANSLATION.

EXHIBIT-P4: THE TRUE COPY OF THE COMPLAINT DATED 20/04/2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT AND ITS POSTAL RECEIPT.

RESPONDENT(S) ' EXHIBITS :-

EXHIBIT R6(a): COPY OF LIST OF DEPOSITORS WITH THEIR NAME AND AMOUNT DEPOSITED TOGETHER WITH ITS ENGLISH TRANSLATION.

EXHIBIT R6(b): COPY OF THE PROCEEDINGS OF THE MEETING HELD ON 29.6.2014 FOR SETTLEMENT OF THE CLAIM OF DEPOSITORS.

EXHIBIT R6(c): COPY OF PASS BOOK OF ARADHIKA CHIT FUND ISSUED TO ONE SUBSCRIBER WITH ITS ENGLISH TRANSLATION.

//TRUE COPY//

P.S. TO JUDGE

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

W.P(C).No. 13000 of 2015

Dated this the 5th June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection inter alia contending that respondents 6 to 11 are threatening the petitioner and his family members with loss of life and obstructing them from peacefully residing in their house. According to the petitioner, he had borrowed certain money from the people in the locality for which he had paid interest. The people in the locality was demanding more amounts and is threatening the petitioner. Though a complaint was given to the Police, no action was taken in the matter and hence they have approached this Court.

2. A counter affidavit has been filed by respondents 6 to 11 inter alia stating that the petitioner was carrying on

money lending business and conducting a chitty without valid licence or permission from the competent authorities. He had collected more than rupees one crore and has not repaid the amount to his creditors, who are local people, as a result of which the people in the locality had made demands. It is stated that the party respondents have not physically assaulted the petitioner, nor have created any nuisance or obstruction as alleged. They have only demanded the money, which is legally due to them. It is submitted that at the instance of the local councillor, the petitioner had agreed to repay the amount by selling his property, which he has not done.

3. The learned Government Pleader, on instructions, would submit that the complaint of the petitioner was received on 24.4.2015 and on enquiry it was understood that there was only a quarrel between the petitioner and certain persons in the locality. Petitioner has not suffered any injury as is evident from the wound certificate produced. It is stated that after the aforesaid incident, no untoward incident is reported as well.

4. Having regard to the above factual situation, we do not think that there is any necessity to issue any order as prayed for. However, if there is any offence committed or attempt to commit offence, it shall always be open for the petitioner to file complaint before the Police, which shall be looked into and the needful be done.

With the above observation, the Writ Petition is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M.SHAFFIQUE
JUDGE**

vgs