

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 13585 of 2015 (W)

PETITIONER :

ROSY O.A. AGED 48 YEARS
W/O. C.G. VINCENT, CHULLIPARAMBIL HOUSE, MAMANGALAM
PALARIVATTOM, KOCHI-682025

BY ADV. SMT.K.BHAVYA GOPAL

RESPONDENTS :

1. DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM 695001
2. THE CITY POLICE COMMISSIONER, ERNAKULAM 682031
3. THE SUB INSPECTOR OF POLICE
ERNAKULAM TOWN NORTH POLICE STATION 682018
4. SABU, CIVIL POLICE OFFICER
ERNAKULAM TOWN NORTH POLICE STATION 682018
5. THE SUB INSPECTOR OF POLICE
PALARIVATTOM POLICE STATION 682025

R1 TO R3 & R5 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13585 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1: TRUE COPY OF THE ORDER DATED 21.4.2015 IN CRL.M.C. NO.848/15

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 13585 OF 2015

Dated this the 21st day of May, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court alleging harassment by Police. It is submitted that when the police started investigation in Crime No.399/2015 of the Ernakulam Town Police Station alleging offence under Section 420 IPC, petitioner approached the District and Sessions Court and has obtained Anticipatory Bail. The petitioner has complied with the directions of the Sessions Court as well. When the petitioner approached the police authorities, they have directed her to pay the amount of Rs.6 lakhs or issue cheque to the complainant. According to the petitioner, this amounts to harassment.

2. Statement is filed on behalf of 3rd respondent inter alia stating that on the basis of the directions issued by Additional Chief Judicial Magistrate, Ernakulam under Section 156(3) in CMP No.433/2015 on the complaint filed by

Smt.Indira Premnath, crime has been registered against the petitioner for the offence under Section 420 IPC. The petitioner had also obtained Anticipatory Bail in CrI.M.C. No.848/15. There was a direction to the petitioner to appear before the investigating officer on every Tuesday between 10 a.m. and 12 p.m. Though the petitioner appeared on 28.04.2014, thereafter she violated the bail condition and didn't appear before the investigating officer. The Additional Public Prosecutor has filed a report before the Sessions Court seeking cancellation of bail. It is further submitted that none of the police officers had threatened the petitioner in any manner and had called upon compelling her to pay the the amount to the complainant.

3. Having regard to the aforesaid statement filed, we do not think that a case of police harassment is made out. Police authorities are bound to investigate the crime which is registered, and in that process, the parties are before the Court as well. It is alleged that the petitioner has not complied with the directions issued by the District Court in the bail petition. If the petitioner

requires any modification to the bail conditions , it is always open for the petitioner to approach the concerned court. If the petitioner has any case that there is any excess police interference, it shall be open for her to file appropriate petition before competent authorities. We do not think that the case involves harassment by police.

The Writ Petition is hence dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**