

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 14493 of 2015 (J)

PETITIONER(S):

- 1. SAJU VARGHESE, AGED 48 YEARS,
S/O.LATE S.L.VARGHESE, SANKOORICKAL HOUSE, KONTHURUTHY,
THEVARA PO, KOCHI-682013.**
- 2. SIJY SAJU, AGED 36 YEARS,
W/O.SAJU VARGHESE, SANKOORICKAL HOUSE, KONTHURUTHY,
THEVARA PO, KOCHI-682013.**

**BY ADVS.SRI.JOHNSON MANAYANI
SRI.JEEVAN MATHEW MANAYANI**

RESPONDENT(S):

- 1. K.J.TOMY,
KOCHAKKANATTU HOUSE, KONTHURUTHY, THEVARA PO,
KOCHI-682013.**
- 2. SECRETARY TO HOME AFFAIRS,
SECRETARIAT, TRIVANDRUM-695 001.**
- 3. THE STATE POLICE CHIEF,
VELLAYAMBALAM, TRIVANDRUM-695 001.**
- 4. THE CITY POLICE COMMISSIONER,
KOCHI CITY, ERNAKULAM-682031.**
- 5. THE CIRCLE INSPECTOR OF POLICE,
ERNAKULAM SOUTH POLICE STATION, ERNAKULAM-682013.**
- 6. THE SUB INSPECTOR OF POLICE,
ERNAKULAM SOUTH POLICE STATION, ERNAKULAM-682013.**

**R1 BY ADV. SRI.BABY MATHEW
R2-R6 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : THE TRUE COPY OF FIR REGISTERED AGAINST THE RESPONDENT BY THE ERNAKULAM TOWN SOUTH POLICE STATION AS FIR NO.1639 DATED 19-11-2014.

P1(A) : TRUE ENGLISH TRANSLATION OF MALAYALAM PORTION OF EXT P1.

P2 : TRUE COPY OF THE FIR NO.0242 DT 1-3-2015 OF ERNAKULAM TOWN SOUTH POLICE STATION.

P2(A) : TRUE ENGLISH TRANSLATION OF MALAYALAM PORTION OF EXT P2.

P3 : THE TRUE COPY OF THE MASS PETITION FILED BY THE LOCAL PUBLIC DT 3-3-2015.

P3(A) : TRUE ENGLISH TRANSLATION OF MALAYALAM DOCUMENT EXT P3.

P4 : THE TRUE COPY OF THE FIRST RESPONDENT'S VISITING CARD.

P5 : THE TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE RESPONDENTS 2 TO 6 DT 7-5-2015.

RESPONDENT(S)' EXHIBITS

R1(A): TRUE COPY OF THE PROVISIONAL ORDER DATED 22/12/14

R1(A)(A): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.R1(A)

R1(B): TRUE COPY OF THE FIR IN CRIME NO.291/14

R1(B)(A): TRUE ENGLISH TRANSLATION OF MALAYALAM PORTION OF EXT.R1(B)

R1(C): TRUE COPY OF COMPLAINT OF JOHN S/O.KOITHARA JOSEPH DATED 9/12/14

R1(C)(A): TRUE ENGLISH TRANSLATION OF MALAYALAM PORTION OF EXT.R1(C)

R1(D): TRUE COPY OF THE NEWS ITES PUBLISHED IN HINDU DATED 29/1/15

R1(E): TRUE COPY OF THE NEWS ITEMS PUBLISHED IN TIMES OF INDIA DATED 29/1/15

/ TRUE COPY /

P.S. TO JUDGE

PJ

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

W.P.C.No.14493 of 2015

Dated this the 23rd day of June 2015

J U D G M E N T

Shaffique,J

Petitioners have approached this Court alleging that the 1st respondent is creating law and order situation and no action is being taken by the police for providing adequate protection to the petitioners. It is inter alia alleged that the 1st respondent was the petitioners' neighbour and he, claiming to be an activist projecting public interest matters, is unnecessarily harassing the petitioners and indulging in criminal activities with the help of certain political groups. Though complaints were given to the police and crimes have been registered against the 1st respondent, he is still continuing such activities and therefore the petitioners have approached this Court for necessary police protection.

2. Counter affidavit has been filed by the 1st respondent inter alia stating that there was a dispute

between him and the petitioners with reference to encroachment into his property. A provisional order had been passed by the competent authority to remove the encroached area. Further it is stated that he had not indulged in any criminal activity, as alleged. However, on the complaint of the 1st respondent, cases had been taken against the petitioners as well. It is submitted that 1st respondent has shifted his residence and the allegation of harassment or indulging in any criminal activity by him is absolutely baseless. He has only projected the interest of the public which has irritated the petitioners.

3. The learned Government Pleader on instructions, would submit that cases and counter cases are pending against the petitioners as well as the 1st respondent. Further proceedings under Section 107 Cr.P.C has been initiated against the 1st respondent and he has already shifted his residence from the neighbourhood of the petitioners.

4. Having regard to the aforesaid factual situation, we are of the view that since parties have involved in certain crimes between themselves, police will have to keep a vigil on the activities and if any offence is committed or there is any attempt to commit offence, on the complaint of the petitioner, police shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is closed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

