

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 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 14709 of 2015 (K)

PETITIONER :

JAMES KURIAN, AGED 37 YEARS
S/O.ANTONY, KANAPPILLY HOUSE, NAYARAMBALAM PO
PIN 682509

BY ADVS.SRI.BABU CHERUKARA
SRI.P.A.SALIM

RESPONDENTS :

1. THE COMMISSIONER OF POLICE
KOCHI CITY, KOCHI 682011
2. THE SUB INSPECTOR OF POLICE
ERNAKULAM TOWN NORTH POLICE STATION, COCHIN 682018
3. GEORGE KUTTY V.JOHN, AGED ABOUT 60 YEARS
S/O.JOHN, AROMA GARDENS, FLAT NO.5 B
LISSIE JUNCTION, SRM ROAD, COCHIN 682018
4. RACHEL GEORGEKUTTY, AGED ABOUT 55 YEARS
W/O.GEORGEKUTTY V.JHOHN DO DO DO

R1 & R2 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAMKUAMR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

- P1: TRUE COPY OF THE UNNUMBERED SUIT FILED BY THE PETITIONER BEFORE THE DISTRICT COURT (VACATION COURT), ERNAKULAM DATED 21.04.2015 (WITHOUT ANNEXURES).
- P2: TRUE COPY OF THE INJUNCTION APPLICATION FILED BY THE PETITIONER IN UNNUMBERED SUIT BEFORE THE DISTRICT COURT (VACATION COURT) ERNAKULAM AS IA.NO.2058/2015.
- P3: TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE RESPONDENTS 1 & 2 IN THE INJUNCTION APPLICATION IA.NO.2058/2015 DATED 27.04.2015 BEFORE THE DISTRICT COURT (VACATION COURT).
- P4: TRUE COPY OF THE ORDER IN IA.NO.2058/2015 OF THE DISTRICT COURT (VACATION COURT) ERNAKULAM DATED 11.05.2015.
- P5: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 14.05.2015.
- P6: TRUE COPY OF THE ACKNOWLEDGEMENT CARD FOR THE ACCEPTANCE OF EXHIBIT P5 COMPLAINT BY THE 1ST RESPONDENT DATED 16.05.2015.
- P7: TRUE COPY OF THE ACKNOWLEDGEMENT CARD FOR THE ACCEPTANCE OF COMPLAINT BY THE 2ND RESPONDENT DATED 17.05.2015.
- P7 A: TRUE ENGLISH TRANSLATION OF EXHIBIT P7.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 14709 OF 2015

Dated this the 26th day of May, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. This writ petition has been filed praying for police protection. Petitioner's case in the writ petition is that he is a tenant of the private respondents and he has already obtained an injunction order from the civil court during vacation against them. He submits that he is threatened to be dispossessed in spite of the injunction order and certain criminal actions have been made against him.

3. Learned Government Pleader after obtaining instructions submitted that on the complaint of private respondents, a crime has already been registered against the petitioner as Crime No.596 of 2015.

As the petitioner has already obtained an injunction order from civil court, it is open for him to approach the civil

court itself, if there is any violation of the injunction order. It is not proper for this Court to interfere in this case at this stage. As far as criminal case is concerned, law will take its own course. We do not find any good ground to interfere. With this observation, the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

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