

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 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 17945 of 2013 (P)

PETITIONER(S):

1. CELINE THOMAS, AGED 67,
W/O.THOMAS ABRAHAM, ARAKKATHARA HOUSE,
AQUADUCT ROAD, VADACODE P.O., KANGARAPPADY,
THRIKKAKARA NORTH VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT-682021.
2. THOMAS ABRAHAM, AGED 69, S/O.LATE ABRAHAM,
ARAKKATHARA HOUSE, AQUADUCT ROAD,
VADACODE P.O., KANGARAPPADY,
THRIKKAKARA NORTH VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT-682021.
3. SEBY TOMS, AGED 38, S/O.THOMAS ABRAHAM,
ARAKKATHARA HOUSE, AQUADUCT ROAD,
VADACODE P.O., KANGARAPPADY,
THRIKKAKARA NORTH VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT-682021.

**BY ADVS.SRI.K.C.ELDHIO
SRI.JIJO THOMAS
SRI.SURAJ.S
SRI.ANESH PAUL**

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF HOME AFFAIRS,
GOVT.SECRETARIAT, TRIVANDRUM-695001.
2. SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION, KAKKANAD P.O.,
COCHIN-682030.
3. ASKER PANAYAPPALLIL, PANAYAPPALLIL HOUSE,
PALLILANKARA, HMT ROAD, KALAMASSERY,
ERNAKULAM DISTRICT-683104.

WP(C).No. 17945 of 2013 (P)

4. ANWAR PANAYAPPALLIL, PANAYAPPALLIL HOUSE,
PALLILANKARA, HMT ROAD, KALAMASSERY,
ERNAKULAM DISTRICT-683104.
5. BASHEER, ROCKWELL ROAD, HMT ROAD,
KALAMASSERY, ERNAKULAM DISTRICT-683104.
6. SIRAJ, THOPPIL JUNCTION, PIPELINE ROAD,
THRIKKAKARA, ERNAKULAM DISTRICT-682030.
7. NOUFAL, PALLILANKARA HOUSE,
HMT COLONY, HMT ROAD, KALAMASSERY,
ERNAKULAM DISTRICT-683104.

R1 & R2 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR
R3 TO R7 BY ADVS. SRI.T.HABDUL AZEEZ
SRI.JOHN NUMPELI (JUNIOR)
SRI.V.A.AJMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1: A TRUE COPY OF THE E-MAIL COMMUNICATION, COMPLAINT SIGNED BY THE PETITIONER TO THE DIRECTOR GENERAL OF POLICE.

EXHIBIT-P2: A TRUE COPY OF THE CRL.M.P.FILED BY THE 3RD PETITIONER BEFORE THE JFCM(I) COURT ALUVA.

EXHIBIT-P3: A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT SEEKING POLICE PROTECTION TO THE LIFE AND PROPERTY OF THE PETITIONERS.

RESPONDENT(S)' EXHIBITS:

EXT. R3(A) : TRUE COPY OF THE POLICE COMPLAINT AGAINST THE 3RD PETITIONER.

EXT. R3(B) : TRUE COPY OF THE RECEIPT.

//TRUE COPY//

P.S. TO JUDGE

mbr/

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

W.P.(C) No. 17945 OF 2013

Dated this the 3rd day of December, 2015

JUDGMENT

Shaffique, J.

Petitioners have approached this Court seeking police protection alleging that respondent Nos.3 to 7 are threatening. Though complaints were given to the police, no action has been taken in the matter.

2. Learned counsel for respondents 3 to 7 submits that they have not threatened the petitioners in any manner. Counter affidavit has already been filed controverting the allegations raised in the petition.

3. Learned Government Pleader on instructions would submit that there was financial transaction between the 3rd petitioner and respondents 4 to 7 which has resulted in a conflict between the parties. An interim order had already been passed by this Court on 17.10.2013 directing the 2nd respondent to ensure that the petitioners' life is not, in any way, threatened by respondents 3 to 7. Learned counsel for

the petitioners submits that only on account of the interim order passed by this Court that there was no threat from respondents 3 to 7.

4. Learned Government Pleader further submits that during the pendency of the writ petition, no untoward incident has been reported.

5. Under such circumstance we do not think it necessary to pass any orders in this writ petition. We only observe that if any cause of action arises in future, it is always open for the petitioners to approach the police, who shall do the needful.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

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