

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. 15339 of 2015 (N)

PETITIONER(S) :-

MUHAMMED SHAMEER, AGED 36 YEARS
S/O.ABOOBACKER, JASNA MANZIL, MELEMUKKU
POTHENCODE PO, VEMBAYAM VILLAGE
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.N.SUKUMARAN (SR.)
SRI.S.SHYAM
SRI.N.K.KARNIS
SRI.KIRAN PETER KURIAKOSE

RESPONDENT(S) :-

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO
HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. SUB INSPECTOR OF POLICE, POTHENCODE POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695 584.
3. MEERA SAYU, S/O.PAKEER, PLAVILA VEEDU, OZHUKUPARA
VEMBAYAM, KUTHIRAKULAM PO, VEMBAYAM VILLAGE
THIRUVANANTHAPURAM-695 615.
4. SULEKHA BEVI, W/O.MEERA SAYU, PLAVILA VEEDU, OZHUKUPARA
VEMBAYAM, KUTHIRAKULAM P.O., VEMBAYAM VILLAGE
THIRUVANANTHAPURAM-695 615.
5. AL-AMEEN, S/O.MEERA SAYU, PLAVILA VEEDU, OZHUKUPARA
VEMBAYAM, KUTHIRAKULAM P.O., VEMBAYAM VILLAGE
THIRUVANANTHAPURAM-695 615.
6. ANAS, S/O.MEERA SAYU, PLAVILA VEEDU, OZHUKUPARA
VEMBAYAM, KUTHIRAKULAM P.O., VEMBAYAM VILLAGE
THIRUVANANTHAPURAM-695 615.

7. ASIM, S/O.MEERA SAYU, PLAVILA VEEDU, OZHUKUPARA
VEMBAYAM, KUTHIRAKULAM PO, VEMBAYAM VILLAGE
THIRUVANANTHAPURAM-695 615.
8. NAIJA BEEVI, D/O.MEERA SAYU, PLAVILA VEEDU, OZHUKUPARA
VEMBAYAM, KUTHIRAKULAM PO, VEMBAYAM VILLAGE
THIRUVANANTHAPURAM-695 615.
9. FASILUDEEN A., S/O.ABDUL RASHEED, VILAYIL VEEDU, MELEMUKKU
POTHENCODE P.O., THIRUVANANTHAPURAM-695 584.
10. SEENA, W/O.SHIHABUDEEN, BROTHER OF MR.SAMSAM, MELEMUKKU
POTHENCODE P.O., THIRUVANANTHAPURAM-695 584.
11. SHIHABUDEEN, S/O.ABOOBAKER, SAMSAM, MELEMUKKU
POTHENCODE P.O., THIRUVANANTHAPURAM-695 584.
12. SIYAD, S/O.MUHAMMED HANEEFFA, AMAS MANZIL, CSI CHURCH LANE
POTHENCODE P.O., THIRUVANANTHAPURAM-695 584.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

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

jvt

WP(C) .No. 15339 of 2015 (N)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : TRUE COPY OF THE JUDGMENT DATED 12-2-2014 IN WPC.NO. 27416/2013 OF THE HON'BLE HIGH COURT OF KERALA.

EXT.P2 : TRUE COPY OF THE INTERIM ORDER IN C.C.C.NO.534/2014 DATED 11-11-2014 OF THE HON'BLE HIGH COURT OF KERALA.

EXT.P3 : TRUE COPY OF THE JUDGMENT DATED 19-12-2014 IN C.C.C. (CIVIL) NO.534 OF 2014 OF THE HON'BLE HIGH COURT OF KERALA.

EXT.P4 : TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 21-2-2015.

EXT.P4(a) : TRUE ENGLISH TRANSLATION OF EXT P4.

EXT.P4(b) : TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED BY THE 2ND RESPONDENT ACCEPTING EXT P4 ON 22-2-2015.

EXT.P5 : TRUE COPY OF THE OUT PATIENT TICKET ISSUED FROM THE PRIMARY HEALTH CENTRE, KANAYAKULANGARA DATED 12-5-2015.

EXT.P5(a) : TRUE ENGLISH TRANSLATION OF EXT P5.

EXT.P6 : TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 12-5-2015.

EXT.P7 : TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE 2ND RESPONDENT RECEIVING EXT P7 DATED 12-5-2015.

EXT.P7(a) : TRUE ENGLISH TRANSLATION OF EXT P7.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.15339 of 2015

Dated this the 26th day of May 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is alleged that respondents 3 to 12 and their men have threatened the petitioner and trespassed into his house, inflicted bodily injuries and that he is under the fear of his life and his family members. Though complaints were given to respondents 1 and 2, no action has been taken in the matter.

2. Learned Senior Counsel appearing for the petitioner submits that the petitioner had already approached this Court on an earlier occasion, in which, a direction was issued to the police to look into the complaint and take appropriate action in the matter. Still no action has been taken by the police, despite the complaint, it is submitted.

3. Learned Government Pleader on instructions would submit that on the basis of the complaint given by the petitioner in person, an enquiry was conducted by the police, but it was found that the incident as reported by the petitioner was false. That

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apart, when the petitioner was offered to be taken to hospital, he refused to do so. It is submitted by the learned Government Pleader that proper vigil is being made in the matter relating to the petitioner as well as private respondents, as there are several disputes between them.

4. Having regard to the fact that a direction had already been issued as per judgment dated 12.2.2014, we do not think that any further direction is required in the matter. We only observe that if there is any offence committed or attempt to commit offence, it is always open for the petitioner to approach the police, who shall look into the matter and do the needful.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE