

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 16480 of 2015 (H)

PETITIONERS :

1. DR.MOHAMED ASHRAF S.A ., S/O. LATE SHEIKH AHEMAD,
AGED 63 YEARS, 8/755, G.C.D.A. HOUSING COMPLEX,
SHANTHI NAGAR, KOOVAPADAM, KOCHI - 682 002.
2. NIZAR MAMOO, AGED 47 YEARS,
S/O. K.V. MAMOO, 3/174, KARIPARAMBIL HOUSE,
EDAKOCHI, FORT KOCHI - 682 001.

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

RESPONDENTS :

1. KRISHNA DEV GAUR,
PROPRIETOR, UNITED GAS SERVICES
VARU VAIDYAR ROAD,
NAZARETH, KOCHI - 682 002.
2. STATE OF KERALA, REPRESENTED BY ITS
SECRETYARY TO HOME, SECRETARIAT,
TRIVANDRUM - 695 001.
3. THE CITY POLICE COMMISSIONER,
KOCHI CITY, ERNAKULAM - 682 031.
4. THE DEPUTY COMMISSIONER OF POLICE,
REVENUE TOWERS, ERNAKULAM - 682 011.
5. SUB INSPECTOR OF POLICE, MATTANCHERRY,
MATTANCHERY P.O., KOCHI - 682 001.
6. SUB INSPECTOR OF POLICE, THOPPUMPADY P.O.,
THOPPUMPADY, ERNAKULAM - 682 005.

R2 TO R6 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF WP(C) 28370 OF 2013 FILED BEFORE THE HON'BLE HIGH COURT WITHOUT THE EXHIBITS.

EXT.P2 : TRUE COPY OF THE LETTER DATED 11.05.2015 BY THE DISTRICT COLLECTOR TO THE REGIONAL MANAGER, INDIAN OIL CORPORATION, PANAMPILLY NAGAR.

EXT.P2(A) : THE ENGLISH TRANSLATION OF EXHIBIT P2 MALAYALAM DOCUMENT.

EXT.P3 : TRUE COPY OF THE LAWYER NOTICE ISSUED ON BEHALF OF THE FIRST RESPONDENT TO THE PETITIONERS DATED 27.03.2015.

EXT.P4 : TRUE COPY OF THE REPLY SENT BY THE PETITIONERS COUNSEL TO EXHIBIT P3 DATED 07.04.2015.

EXT.P5 : TRUE COPY OF THE NEWS REPORT PUBLISHED BY THE DECCAN HERALD DATED 30.04.2015.

EXT.P6 : TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE RESPONDENTS 2 TO 6 DATED 28.05.2015.

EXT.P6(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P6 MALAYALAM DOCUMENT.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 16480 OF 2015

Dated this the 3rd day of June, 2015

JUDGMENT

Shaffique, J.

Petitioners have approached this Court alleging harassment by police. It is stated that the petitioners are publishing a Sunday News paper by name "Swen" of which the first petitioner is the Chief Editor and second petitioner is the Editor. It is stated that the newspaper has published certain articles against the illegal procurement of gas agency by the first respondent. This has provoked the first respondent and he has filed complaint before Police against the petitioners. It is submitted that Police has unnecessarily called the petitioners and detained them in the police station.

2. Learned Government Pleader on instructions would submit that on the complaint of the first respondent, the petitioners were summoned and on finding that the complaints are not cognizable, the complaints had been closed. There is no harassment meted out against the petitioners as alleged.

Having regard to the fact that the petitioners were summoned only on the basis of the complaint submitted by first respondent, we do not think that the same may amount to any harassment. Accordingly, taking on record the submission of learned Government Pleader, this Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

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