

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 16680 of 2015 (H)

PETITIONER(S) :-

LAWRANCE JOHN

SNEHATHEERAM, NALUKODI PO, CHANGANACHERRY - 686 548.

BY ADVS.SRI.SURIN GEORGE IPE

SRI.M.V.BIPIN

RESPONDENT(S) :-

1. THE DISTRICT POLICE CHIEF
DISTRICT POLICE OFFICE, KOTTAYAM - 686 001.
2. THE STATION HOUSE OFFICER
THRIKKODITHANAM POLICE STATION, CHANGANACHERRY
PIN-686 105.
3. DY.SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE
CHANGANSSERY - 686 101.
4. P.J. ALEXANDER
PUTHUVELIL HOUSE, PC KAVALA, PAIPPAD
CHANGANACHERRY - 686 537.

R4 BY ADV. SRI.K.SHAJ

SRI.SAJJU.S

R1 - R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1:TRUE COPY OF THE LICENSE ISSUED FOR RUNNING CONCRETE BRICKS BY THE THRIKKODITHANAM GRAMA PANCHAYATH IN THE NAME OF PETITIONER.

EXT.P1(a):TRUE COPY OF THE LICENSE AND TILES MANUFACTURING UNIT AND A WOOD FURNITURE WORKSHOP BY THE THRIKKODITHANAM GRAMA PANCHAYATH IN THE NAME OF PETITIONER.

EXT.P2:TRUE COPY OF THE WORK SCHEDULE GIVEN BY THE 4TH RESPONDENT TO THE PETITIONER AT THE TIME OF HANDING OVER THE SITE.

EXT.P3:TRUE COPY OF THE PLAN DRAWING ENTRUSTED BY THE 4TH RESPONDENT TO THE PETITIONER FOR A FOUR STORIED BUILDING.

EXT.P4:TRUE COPY OF THE PHOTOGRAPHS SHOWING THE PROGRESS OF THE CONSTRUCTION.

EXT.P5:TRUE COPY OF THE ATTESTED COPIES OF THE REGISTRATION PARTICULARS, INSURANCE AND TAX RECEIPT OF THE VEHICLE.

EXT.P6:TRUE COPY OF THE CHEQUE BEARING NO.84762 DRAWN FROM FEDERAL BANK OF INDIA DATED 28.06.2015.

EXT.P7:TRUE COPY OF THE JOINT MEASUREMENT OF THE WORK DONE FOR THE 4TH RESPONDENT.

EXT.P8:TRUE COPY OF THE CHEQUE DATED 28.07.2015 WITH CHEQUE NUMBER 84763 FOR AN AMOUNT OF RS.4,50,000/-.

EXT.P8(a):TRUE COPY OF THE CHEQUE DATED 28.07.2015 WITH CHEQUE NUMBER 84765 FOR AN AMOUNT OF RS.1,01,250/-.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.16680 of 2015

Dated this the 15th day of June 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court alleging harassment by police. It is inter alia stated that the petitioner availed a loan from the 4th respondent on 25.8.2014 for a period of six months and thereafter the period was extended. It is alleged that the 4th respondent had obtained certain documents from him in respect of a property having an extent of 2.83 Ares as security.

2. It is also stated that the 4th respondent entrusted the petitioner for constructing a commercial building and ₹8 lakhs was offered as remuneration other than the materials and labour cost. The loan amount was agreed to be deducted from the remuneration. It is further indicated that after adjusting the loan amount from the said remuneration, for the balance amount, the 4th respondent compelled the petitioner to accept his car along with original documents. The 4th respondent also demanded a cheque from the petitioner. The allegation of the petitioner is that the 2nd respondent had come to his residence on 18.5.2015 and

seized the car bearing registration No.KL-33-B-6262 without giving any receipt. This, according to the petitioner, is at the instance of the 4th respondent. It is also submitted that the petitioner was subsequently called to the police station and several documents were obtained. The petitioner also filed I.A.No.7354 of 2015, in which, it is alleged that on 28.5.2015 the 3rd respondent threatened the petitioner and he was taken to the 2nd respondent and had obtained signature of the petitioner in certain documents on 29.5.2015 at the instance of the 4th respondent.

3. A statement is filed by the 3rd respondent inter alia stating that the entire allegations raised by the petitioner is absolutely false. According to the 3rd respondent, on the basis of the complaint given by the 4th respondent on 16.5.2015, both the parties were summoned to the office on 19.5.2015 and the matter was settled between themselves and the petitioner voluntarily expressed his willingness to hand over the vehicle to the 4th respondent, who was the RC owner. Thereafter no complaint has been received either from the 4th respondent or from the petitioner. According to the 3rd respondent, the further allegation that on 28.5.2015 the petitioner was summoned and certain

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documents were obtained etc. were absolutely false. Therefore, according to the 3rd respondent, they have not done any harassment as alleged by the petitioner.

4. Learned counsel appearing for the 4th respondent submits that the whole intention of the petitioner in filing this writ petition is to create materials to defend the case, that may possibly be filed by the 4th respondent against the petitioner. According to the learned counsel, sufficient documents are available with the 4th respondent in the matter relating to financial transactions and other matters and the intention of the petitioner is to create evidence that those documents were obtained through police.

5. Having regard to the aforesaid factual situation, we do not think that we should enter into the controversy regarding rights and obligations between the petitioner and the 4th respondent. It is open for them to approach the civil court and seek appropriate reliefs.

6. As far as the allegation of harassment is concerned, it has to be made clear by the learned State Attorney that after 19.5.2015, there was no occasion for the petitioner to be summoned to the police station and the contrary averments were incorrect. Under such circumstances, we accept the said

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contention and record the same. We do not think that any further orders are required to be passed in the writ petition.

Accordingly, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt