

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 17129 of 2015 (M)

PETITIONER(S) :

- 1. LAL KUMAR, S/O.SOMAN, AGED 36 YEARS,
SIVAM, CHARUMMOODU, AYIROOPPARA P.O.,
KULIYAZHTHURA VILLAGE, THIRUVANANTHAPURAM-695 584.**
- 2. SHAIBI, W/O.LAL KUMAR, AGED 32 YEARS,
SIVAM, CHARUMMOODU, AYIROOPPARA P.O.,
THIRUVANANTHAPURAM-695 584.**
- 3. SHIBU, S/O.RAGHUNATHAN,
SHAIBI NIVAS, CHARUMMOODU, AYIROOPPARA P.O.,
KULIYAZHTHURA VILLAGE, THIRUVANANTHAPURAM-695 584.**
- 4. SHERIL, S/O.RAGHUNATHAN, AGED 33 YEARS,
SHAIBI NIVAS, CHARUMMOODU, AYIROOPPARA P.O.,
KULIYAZHTHURA VILLAGE, THIRUVANANTHAPURAM-695 584.**

**BY ADVS.SRI.VENJARAMOODU M.ZIYAD
SRI.T.A.PRAKASH**

RESPONDENT(S) :

- 1. SUB INSPECTOR OF POLICE,
POTHENCODE POLICE STATION,
THIRUVANANTHAPURAM- 695 584.**
- 2. CIRCLE INSPECTOR OF POLICE,
KAZHAKUTTOM, THIRUVANANTHAPURAM- 695 584.**
- 3. K.VIJAYAN, AGED 55 YEARS,
S/O.KUNJAN, ARYA BHAVAN, CHARUMMOODU,
AYIROOPPARA P.O., KULIYAZHTHURA VILLAGE,
THIRUVANANTHAPURAM DISTRICT- 695 584.**

WP(C).No. 17129 of 2015 (M)

- 4. BINDU, AGED 51 YEARS,
W/O.VIJAYAN, ARYA BHAVAN, CHARUMMOODU,
AYIROOPPARA P.O., KULIYAZHTHURA VILLAGE,
THIRUVANANTHAPURAM DISTRICT- 695 584.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE COMPLAINT MADE BY THE 3RD RESPONDENT
AGAINST THE PETITIONERS DATED 08.05.2014 BEFORE
THE 1ST RESPONDENT ALONG WITH ENGLISH TRANSLATION.**
- P2: TRUE COPY OF THE COMPLAINT MADE BY THE 3RD AND 4TH
RESPONDENTS AGAINST THE PETITIONERS DATED 14.03.2015 BEFORE
THE 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.**
- P3: TRUE COPY OF THE JUDGMENT DATED 29.05.2014 PASSED BY
THE DIVISION BENCH OF THIS HON'BLE COURT IN W.P.(C).NO.12418/2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 17129 of 2015

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Dated this, the 9th day of June, 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court alleging harassment by the police. According to them, respondents 3 and 4 are filing false complaints on the basis of which they are being summoned unnecessarily. They had to come to the police station more than 15 times, which, according to the petitioners, amounts to severe harassment.

2. Learned Government Pleader, on instructions, would submit that when respondents 3 and 4 had approached this Court seeking police protection, an observation was made in the judgment dated 29/5/14 in W.P (C) No. 12418/14 that if there is any threat to the life of the children of respondents 3 and 4, they will be at liberty to lodge a complaint, which shall be looked into by the police. It is on the basis of the aforesaid judgment that a complaint came to be filed, according to which, the male

members among the petitioners were summoned and after recording the statement, the complaint has been closed. According to the learned Government Pleader, only on one instance such a complaint came to be enquired into and the contrary allegations are incorrect.

3. Having regard to the aforesaid factual situation, we do not think that police had committed any harassment as alleged. The police had only summoned the petitioners on the basis of a complaint given by respondents 3 and 4. Under such circumstances, it will not amount to harassment. We only observe that the petitioners shall be summoned only if there is any further requirement in accordance with the Criminal Procedure Code.

Writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge