

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 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C) .No. 20997 of 2015 (Y)

PETITIONER(S) :

EBRAHIMKUTTY AGED 66 YEARS
KINATTUKARA PUTHEN VEEDU, KULASEKHARAPURAM
KARUNAGAPPALLY, KOLLAM-690 544.

BY ADVS.SRI.V.R.GOPU
SRI.J.NARAYANA PILLAI

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE CIRCLE INSPECTOR OF POLICE
KARUNAGAPPALLY CIRCLE, KARUNAGAPPALLY-690 518.

3. THE SUB INSPECTOR OF POLICE
KARUNAGAPPALLY POLICE STATION, NEAR CIVIL STATION
KARUNAGAPPALLY, PIN-690 518.

4. CHOLAMANDALAM INVESTMENTS & FINANCE COMPANY LTD.
REPRESENTED BY MANAGING DIRECTOR, S.S.COMPLEX
VADAKKEVILA P.O., POST OFFICE JUNCTION, PALLIMUKKU
KOLLAM-691 010.

R1 TOR3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
BY SRI.P.JACOB MATHEW

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 20997 of 2015 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE CERTIFICATE OF REGISTRATION IN FAVOUR OF MR.NOUSHAD
DTD.14.3.2013.

P2 : COPY OF THE LOAN-STATEMENT IN FAVOUR OF MR.NOUSHAD
DTD.20.5.2015.

P3(A) : COPY OF THE PAYMENT RECEIPT IN FAVOUR OF MR.NOUSHAD
DTD.30.4.2015.

P3(B) : COPY OF THE PAYMENT RECEIPT IN FAVOUR OF MR.NOUSHAD
DTD.30.4.2015 AND 30.5.2015.

P4 : COPY OF THE COMPLAINT LODGED BEFORE 3RD RESPONDENT DTD.4.7.2015.

P4(A) : COPY OF ENGLISH TRANSLATION OF EXT.P4 DTD.4.7.2015.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P.(C).No.20997 of 2015

Dated this the 13th July, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking Police protection. It is inter alia contended that the petitioner's son had taken a vehicle loan from the fourth respondent and has committed default in making payment of certain instalments. The petitioner is ready and willing to pay the instalments. But the fourth respondent is insisting that entire amount has to be paid, failing which the vehicle will be seized. The petitioner apprehends force from the part of the fourth respondent. Though the petitioner had given a complaint before the Police, no action is taken by the Police, hence the petitioner has approached this Court.

2. The learned State Attorney, on instructions, would submit that on the basis of the complaint given by the

petitioner, both the parties were summoned to the Police Station. The representative of the fourth respondent submitted that the fourth respondent has no intention to seize the vehicle and they will not use force for that purpose.

3. Learned counsel for the fourth respondent submits that nine instalments are payable, which have been demanded by the representative of the fourth respondent and there is no reason why the petitioner should approach the Police for protection.

4. Having regard to the above factual situation, we do not think that a direction as sought for by the petitioner is required to be passed. Police can interfere only if any offence is committed or there is any attempt to commit offence. We do not think that there is any such situation in the present case. The Writ Petition is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**