

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 21525 of 2015 (M)

PETITIONER :

SUNNY VARGHESE AGED 44 YEARS
S/O. K.K.VARGHESE, TRUSTEE
ST.STEPHEN'S ORTHODOX SYRIAN CATHEDRAL, NAKKAMKUNNU
AZHOORMURI, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS :

1. P.A.ABRAHAM, AGED 50 YEARS,
S/O. P.J.ABRAHAM, PULIMOOTTIL HOUSE, CHAMBAKKARA P.O.
KARUKACHAL VILLAGE, CHANGANACHERRY TALUK
KOTTAYAM DISTRICT.
2. THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION, PIN-689 645.
3. THE CIRCLE INSPECTOR OF POLICE, PATHANAMTHITTA, PIN-689 645.
4. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA, PIN-689 645.
5. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

R2 TO R5 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21525 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS :

P1 : COPY OF THE JUDGMENT PASSED BY THE COURT OF THE DISTRICT JUDGE,
PATHANAMTHITTA IN CMA NO.33/2014, DTD.2.3.2015.

P2 : COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT IN WPC
NO.18859/2014 DTD.5.1.2014.

P3 : COPY OF THE PROSECUTION PETITION DTD.26.3.2015.

P4 : COPY OF THE FIRST INFORMATION REPORT DTD.24.3.2015
WITH TRANSLATION.

P5 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE
THE 4TH RESPONDENT WITH TRANSLATION.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 21525 OF 2015

Dated this the 16th day of July, 2015

JUDGMENT

Shaffique, J.

This writ petition is filed alleging police harassment by respondents 2 and 3.

2. Petitioner submits that he is the landlord of a building which was given on rent to the 1st respondent. Certain civil disputes are pending between the parties by which the tenant has obtained an order of injunction against the petitioner from forcibly evicting the tenant from the premises. Similarly, a Suit has been filed by the petitioner also. Tenant has also obtained an order of police protection in W.P.(C) No.18859 of 2014 as per judgment dated 05.08.2014. In the said case this Court directed the Police to ensure that petitioners in the said case are allowed to carry on the business and no hindrances whatsoever is created by 4th respondent in the said case.

2. It is submitted by learned counsel for the petitioner that the tenant has involved in criminal cases and

a crime has been registered by the Police as FIR No.510 of 2015. But, according to the petitioner, Police is not investigating the crime on the allegation that the 1st respondent has a police protection order in his favour. It is submitted by learned counsel for the petitioner that the Police is bound to investigate into the crime which has been registered, *dehors* the fact that the tenant has a police protection order.

3. The allegation in the petition, according to us will not amount to any harassment by police. Police, of course, is bound to investigate the crime despite the fact that an order has been passed by this Court in a Police Protection matter. Merely for the reason that there is delay in investigating the matter, it does not amount to harassment. If police is not investigating the matter within the time prescribed, the petitioner has an appropriate remedy under law. We do not want to comment on such issues.

Under such circumstances, we do not think that the petitioner is entitled for any relief as prayed for. Accordingly, the Writ Petition is dismissed.

**Ashok Bhushan,
Chief Justice.**

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