

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 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21772 of 2015 (V)

PETITIONER(S):

**V.SHAMSUDHEEN AGED 49 YEARS
S/O.ABDURAHIMAN, KANDIYIL HOUSE, VELIMUKKU P.O.
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN**

RESPONDENT(S):

- 1. THE SUPERINTENDENT OF POLICE, MALAPPURAM
POST MALAPPURAM, MALAPPURAM DISTRICT, PIN-676 505.**
- 2. THE CIRCLE INSPECTOR OF POLICE
TIRUR POLICE STATION, POST TIRUR, MALAPPURAM-676 101.**
- 3. THE SUB INSPECTOR OF POLICE
TIRUR POLICE STATION, POST TIRUR, MALAPPURAM-676 101**
- 4. MUHAMMED ALI
KAVUNGAPARAMBIL HOUSE, NADUVILANGADI, POST POOKAYIL
TIRUR TALUK, MALAPPURAM DISTRICT-676 107.**
- 5. JAISAL
S/O.MUHAMMED ALI, KAVUNGAPARAMBIL HOUSE, NADUVILANGADI
POST POOKAYIL, TIRUR TALUK
MALAPPURAM DISTRICT-676 107.**
- 6. SAFWAN
S/O.MUHAMMED ALI, KAVUNGAPARAMBIL HOUSE, NADUVILANGADI
POST POOKAYIL, TIRUR TALUK
MALAPPURAM DISTRICT-676 107.**
- 7. RISWAN
S/O.MUHAMMED ALI, KAVUNGAPARAMBIL HOUSE, NADUVILANGADI
POST POOKAYIL, TIRUR TALUK
MALAPPURAM DISTRICT-676 107.**
- 8. HARSHATH
S/O.HAMSA KOYA, KAVUNGAPARAMBIL HOUSE, NADUVILANGADI
POST POOKAYIL, TIRUR TALUK
MALAPPURAM DISTRICT-676 107.**

BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21772 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

P1. TRUE COPY OF THE PARTNERSHIP DEED DATED 29/8/2014.

**P2. TRUE COPY OF THE RECEIPT ISSUED BY THE TIRUR MUNICIPALITY DATED
7/2/2015.**

**P3. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT DATED 11/7/2015.**

RESPONDENT(S)' EXHIBITS NIL

Rp

//TRUE COPY//

PS TO JUDGE

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 21772 of 2015

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Dated this, the 20th day of July, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection. It is stated that he is the Managing Partner of a restaurant by name 'City Park Restaurant' at Tirur. The rent deed and licence of the business are in the name of another partner.

2. It is alleged that the 4th respondent made a proposal to be a partner of the firm by making an investment and the 8th respondent was appointed as the managing staff to enable him to learn the business. However, no such investment had been made neither by the 4th respondent or the 8th respondent and they were sent out of business.

3. Now, it is alleged that respondents 4 to 8 are making obstruction to the business being carried on by the petitioner. Petitioner submitted complaint to the police for necessary police protection to enable him to carry on business, but no action had

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been taken by the police in that regard and therefore the petitioner has approached this Court.

4. Having regard to the nature of disputes that has been projected by the petitioner, it is apparent that it is either a business dispute or a partnership issue. If there is any obstruction by any person in the matter relating to the conduct of business by the petitioner, the petitioner's remedy is to approach the civil court for appropriate orders. Police cannot intervene and decide such disputes. Police can interfere only if there is any law and order situation. If any offence is committed or there is attempt to commit offence, petitioner can always approach the police, who shall look into the matter and do the needful.

As far as the *inter se* dispute between the petitioner and respondents 4 to 8 are concerned, this Court cannot issue any direction as sought for and relegating the petitioner to approach the civil court, this writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge