

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 23592 of 2015 (Y)

PETITIONER(S) :-

SAJU VARGHESE, AGED 47 YEARS
S/O.VARGHESE, PATHIKULANGARA HOUSE
KIZHAKKAMBALAM.P.O., ANGADI ROAD
ERNAKULAM DISTRICT - 683 562.

BY ADVS.SRI.JOBY JACOB PULICKEKUDY
SRI.ANIL GEORGE

RESPONDENT(S) :-

1. THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SUB INSPECTOR OF POLICE
KOLLAM EAST POLICE STATION, KOLLAM.
3. NIZAMUDHEEN, AGED 44 YEARS
S/O.IBRAHIMKUTTY, PROPRIETOR, P.E.K.TRADERS
POLAYATHODU, PATTATHANAM.P.O., TRIVANDRUM ROAD
KOLLAM DISTRICT - 691 021.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 23592 of 2015 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE PHOTOCOPY OF COMPLAINT IN S.T.NO.5667/2012 BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KOLENCHERRY.

EXT.P2- TRUE PHOTOCOPY OF DECREE IN O.S.NO.30/2013.

EXT.P3- TRUE PHOTOCOPY OF PLAINT IN O.S.NO.596/2013 BEFORE THE
MUNSIFF COURT, KOLLAM.

EXT.P4- TRUE COPY OF THE MEMO ISSUED FOR RELEASING THE PETITIONER
ON BAIL.

EXT.P5- TRUE PHOTOCOPY OF NOTICE DATED 22.07.2015 ISSUED BY THE
2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.23592 of 2015

Dated this the 5th day of August 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. This writ petition has been filed alleging police harassment. The petitioner's case in the writ petition is that he is the Managing Partner of a paint manufacturing industry. He submits that the 3rd respondent, who is a retailer has now filed a criminal complaint alleging forgery as Crime No.402 of 2014 against the petitioner and in that connection, the petitioner is summoned to the police station. He submits that this is nothing but harassment by police.

3. Learned Government Pleader on instructions would submit that in the crime, the petitioner has obtained bail. Copy of the bail order has not been brought on record. He further submits that the petitioner was asked to appear by notice, Ext.P5 dated 22.7.2015, giving time and date.

4. Under such circumstances, we are of the view that it cannot be said to be a case of police harassment. The petitioner

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may appear and co-operate with the investigation, which may be conducted in accordance with the procedure prescribed under the Code of Criminal Procedure. It shall be open for the petitioner to appear before the police authorities within a week from today.

With the above observation, this writ petition is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**