

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 24676 of 2015 (H)

PETITIONER(S):

KUNHIMODEEN AGED 58 YEARS
S/O.CHEKUTTY, MAMBRACKAL HOUSE, CHAMRAVATTOM
TIRUR TALUK, MALAPPURAM.

BY ADV. SRI.D.ANIL KUMAR

RESPONDENT(S):

1. DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.695 001.

2. DEPUTY SUPERINTENDENT OF POLICE
TIRUR, MALAPPURAM DISTRICT.676 101.

3. ABDUL NAZAR
THAIVALAPPIL HOUSE, CHAMRAVATTOM.P.O., TIRUR
MALAPPURAM DISTRICT.676 102.

4. M.K.SHAJI
BAVUTTY, PUTHENKANAKATH VEEDU, B.P.ANGADI.P.O.
TIRUR-676 102.

R1-R2 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 24676 of 2015 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- TRUE COPY OF THE SEARCH LIST ISSUED BY THE POLICE PERSONNEL.

P1(A)- TRUE ENGLISH TRANSLATION OF EXT.P1.

P2- TRUE COPY OF THE REPRESENTATION MADE TO THE 1ST RESPONDENT BY
PETITIONER DATED 5.8.2015.

P2(A)- TRUE COPY OF THE TRUE ENGLISH TRANSLATION OF EXT.P2.

P3- TRUE COPY OF THE LAWYER NOTICE SENT TO 3RD RESPONDENT BY
PETITIONER DATED 25.7.2015.

P3(A)- TRUE COPY OF THE TRUE ENGLISH TRANSLATION OF EXT.P1.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P.(C).No.24676 of 2015

Dated this the 18th August, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner and the learned State Attorney. No notice is being issued to respondents 3 and 4 in view of the order, which is being passed.

2. The petitioner has filed this Writ Petition alleging Police harassment. The petitioner's case is that the petitioner has purchased 10 cents of land from the third respondent and a sale deed is registered. It is stated that at the instance of the third respondent, who filed a petition before the Deputy Superintendent of Police, the petitioner is being called at the Police Station. The fourth respondent is also exercising his power to influence in putting pressure on the Police authorities.

3. The learned State Attorney, after obtaining instructions, submits that a complaint was received from the third respondent against the petitioner alleging that although he has paid the amount borrowed from the petitioner, additional

amount is being demanded. Allegations have been made against the petitioner alleging illegal money lending business and the Police authorities are enquiring into the matter, however, they have not registered any First Information Report.

4. Learned counsel for the petitioner submits that since no First Information Report has been registered, the Police authorities are not entitled to call the petitioner at the Police Station.

Considering the above facts and circumstances, we are of the view that this is not a case of any Police harassment. We, however, observe that the Police can investigate the matter in accordance with the provisions of the Code of Criminal Procedure. The Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs19/8/15