

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 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24907 of 2015 (K)

PETITIONER :

**C.V. SUNIL KUMAR,
S/O.CHIRAYATH VELAYUDHAN, AGED ABOUT 51 YEARS,
PULLAZHI VILLAGE, CHETTUPUZHA DESOM, THRISSUR TALUK.**

**BY ADVS.SMT.PRABHA R.MENON
SRI.R.MANOJ**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF HOME, STATE SECRETARIAT,
THIRUVANANTHAPURAM-695 001**
- 2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 001**
- 3. THE COMMISSIONER OF POLICE, THRISSUR-680 001**
- 4. SUDHAKARAN, CONSTABLE, OFFICE OF THE CRIME BRANCH,
THRISSUR-680 001**
- 5. JITHIN, AGED 30 YEARS, S/O.PANNAPARAMBIL PURUSHOTHAMAN,
KUNDALIYUR DESOM, ENGANDIYOOR VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT-680 616**
- 6. SUMASH, S/O.CHALIPAD SUGUNAPAL, KUNDALIYUR DESOM,
ENGANDIYOOR VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT-680 616**
- 7. RAJANI VASUDEVAN, W/O.KUNNATHU VASUDEVAN,
THRIKKALLOOR DESOM, VADANAPPALLY VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT-680 616.**

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).NO.24907/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SUIT WHICH WAS NUMBERED AS P.O.P.NO.7/2013 ON THE FILES OF THE SUBORDINATE JUDGES COURT, THRISSUR.**
- P1(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1**
- P2 COPY OF THE MP .NO.2329/2015 ON THE FILES OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, CHAVAKKAD**
- P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE RESPONDENTS 1,2 AND 3**
- P4 COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE OFFICE OF THE 3RD RESPONDENT DATED 11/8/2015**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 24907 of 2015

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Dated this, the 17th day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court alleging harassment by the police. It is submitted that on the basis of a complaint filed by the petitioner before the Magistrate Court, a crime has been registered and final report has been filed against respondents 5 to 7 in the matter relating to a transaction by which petitioner was cheated. Petitioner submits that the 4th respondent has summoned the petitioner to the police station and is unnecessarily interfering with the pending case. Petitioner is asked to settle the matter with respondents 5 to 7. According to the petitioner, he is prosecuting a civil suit for recovery of money as well and when the final report is already filed in the criminal case, he has no intention to settle the matter out of court. But there is pressure from the 4th respondent to settle the issue and therefore, petitioner filed complaint before respondents 1 to 3.

But, since no action had been taken in the matter, the harassment continued and petitioner has approached this Court.

2. Learned State Attorney on instructions submits that a complaint has been filed by the 5th respondent before the District Police Chief which was forwarded to the Deputy Superintendent of Police for enquiry. It is in that connection 4th respondent has requested the petitioner to appear before the Deputy Superintendent of Police. He appeared on 27/7/2015 and sought time to produce some records. He offered to appear on 3/8/2015. Thereafter he did not appear. It is submitted that the petitioner was summoned only for the purpose of conducting an enquiry and no crime has been registered against him.

3. Learned counsel for the petitioner however would submit that he was unnecessarily being summoned without even giving a copy of the complaint. Petitioner is totally unaware of any such complaint being enquired into by the Deputy Superintendent of Police.

4. Having regard to the aforesaid factual situation and since the petitioner has been summoned for an enquiry based on a complaint given by the 5th respondent, we do not think that

W.P(C) No.24907/15

-:3:-

summoning the petitioner for taking a statement would amount to any harassment by the police. However, any enquiry or investigation that might be done by the police has to be in accordance with the procedure prescribed under the Code of Criminal Procedure. We only observe that if the presence of the petitioner is required for making any enquiry, appropriate notice shall be given to the petitioner.

With the above observation, this writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge