

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

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

**FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937**

**WP(C).No. 25853 of 2015 (F)**  
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**PETITIONERS :**  
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- 1. ABDUL MALIK AGED 46 YEARS  
S/O. SHAMSUDEEN, CHAMMINIYIL HOUSE,  
KAIPPAMANGALAM, CHALINGAD, THRISSUR - 680681.**
- 2. REZEENA, W/O. ABDUL MALIK, AGED 39 YEARS,  
CHAMMINIYIL HOUSE, KAIPPAMANGALAM, CHALINGAD,  
THRISSUR - 680681.**

**BY ADVS.SRI.SHABU SREEDHARAN  
SRI.K.P.UNNIKRISHNAN (ELOOR)  
SRI.JOLLY GEORGE  
SRI.T.S.PRASANNAKUMAR  
SRI.K.V.PREMSANKAR  
SMT.RESHMA ABDUL RASHEED**

**RESPONDENTS :**  
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- 1. THE DEPUTY SUPERINTENDENT OF POLICE,  
IRINJALAKKUDA, THRISSUR - 680121.**
- 2. THE SUB INSPECTOR OF POLICE, MATHILAKAM,  
THRISSUR - 680685.**
- 3. THE CIRCLE INSPECTOR OF POLICE,  
KODUNGALLOOR, THRISSUR - 680664.**
- 4. NOBY AUGUSTINE, D/O. AUGUSTINE,  
AGED 32 YEARS, THIRUTHANATHIL HOUSE,  
MARYGIRI KARA, MANJAPARA VILLAGE, ALUVA TALUK,  
ERNAKULAM - 683581.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. G.P. C.R. SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**WP(C).No. 25853 of 2015 (F)**

**APPENDIX**

**PETITIONER'S EXHIBITS :**

**P1: COPY OF THE MEMORANDUM OF BAIL APPLICATION DT 30/9/2014.**

**P2: COPY OF THE ORDER IN BA NO. 7223/2014 DT 5/6/2015.**

**RESPONDENT'S EXHIBITS : NIL.**

**//TRUE COPY//**

**P.A. TO JUDGE**

**bp**

**ASHOK BHUSHAN, CJ**

**&**

**A.M.SHAFFIQUE, J.**

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W.P.C.No.25853 of 2015

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Dated this the 21<sup>st</sup> day of August 2015

**J U D G M E N T**

**Shaffique, J**

Petitioners have approached this Court alleging harassment by the police. It is stated that 1<sup>st</sup> petitioner and 4<sup>th</sup> respondent were having some business transaction and on the guise that some amount is payable by the 2<sup>nd</sup> petitioner to the 4<sup>th</sup> respondent, 3<sup>rd</sup> respondent is unnecessarily summoning the petitioners. This, according to the petitioners, amounts to harassment, as petitioners are not involved in any financial transaction. 2<sup>nd</sup> petitioner does not owe any amount to the 4<sup>th</sup> respondent. If at all if there is any such claim, it is only a dispute of civil nature for which the police has no right to interfere. 2<sup>nd</sup> petitioner had approached this Court for anticipatory bail in which police had made a statement that no case has been registered against the 2<sup>nd</sup> petitioner.

2. The learned Government Pleader, on instructions, would submit that a complaint was filed by the 2<sup>nd</sup> respondent

before the Deputy Superintendent of Police which was forwarded for investigation and the 2<sup>nd</sup> petitioner was asked to be present before the police for enquiry on 18/08/2015. On that day, police was busy on account of other reasons and the 2<sup>nd</sup> petitioner was asked to come on another date of her choice. However, she did not appear. The purpose of summoning the 2<sup>nd</sup> petitioner was only to conduct a preliminary enquiry in the matter and therefore, according to the learned Government Pleader, police has not meted out any harassment, as alleged.

Having regard to the aforesaid factual situation, we do not think that asking the petitioners to come to the police station for a preliminary enquiry would amount to any harassment. Police shall act only in accordance with the procedure prescribed under the Code of Criminal Procedure.

With the above observation, this writ petition is closed.

(sd/-)

**(ASHOK BHUSHAN, CHIEF JUSTICE)**

(sd/-)

**(A.M.SHAFFIQUE, JUDGE)**

jsr





