

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 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 26838 of 2015 (D)

PETITIONER :

**B.RAJASEKHARAN NAIR,
S/O.K.N.BALAKRISHNA KURUP, AGED 60 YEARS,
NOW RESIDING AT SREENITHI RESIDENCY, GANDHI NAGAR,
BANGALORE.**

BY ADV. SRI.R.SATISH KUMAR

RESPONDENT(S):

- 1. THE DIRECTOR GENERAL OF POLICE,
LAW AND ORDER, THIRUVANANTHAPURAM -695 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
PEROORKADA, THIRUVANANTHAPURAM- 695 005.**
- 3. THE SUB INSPECTOR OF POLICE,
PEROORKADA POLICE STATION,
THIRUVANANTHAPURAM- 695 005.**
- 4. K.RAJASEKHARAN,
THIRUVONAM VEEDU,GNP 47, T.C.5/700,
PEROORKADA VILLAGE, THIRUVANANTHAPURAM
(RETIRED FROM POLICE DEPARTMENT)-695 005**
- 5. K.RAJENDRAN NAIR,
SREELEKSHMY, KANNETTU MUKKU, JAGATHY,
THYKKAD VILLAGE, THIRUVANANTHAPURAM- 695 005.**

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.26838 of 2015

Dated this the 7th day of September 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court apprehending harassment by the police. It is stated that the petitioner is unnecessarily being summoned to the police station on the basis of a false complaint given by the 4th respondent. Petitioner is informed that he owes an amount of Rs.18,00,000/- to the 4th respondent and according to the petitioner, summoning him to the police station is only for the purpose of forcing him to execute security documents in favour of the 4th respondent.

2. Learned State Attorney, on instructions, would submit that a complaint was filed by the 4th respondent before the District Police Chief alleging that the petitioner had cheated him with reference to an amount of Rs.18 lakhs. No crime has been registered, but in order to enquire into the veracity of the complaint, petitioner was called, but so far he has not appeared before the police station.

3. Learned counsel for the petitioner submits that since the 4th respondent is a retired police officer, intention of the police is to get the document executed by him forcibly.

4. We do not think that police can force the petitioner or any other person to execute documents in favour of the complainant. Since the petitioner is summoned only for the purpose of conducting a preliminary enquiry, petitioner will have to co-operate with the said enquiry. We make it clear that any enquiry or investigation shall be conducted by the police 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

