

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 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 26983 of 2015 (W)

PETITIONER(S):

- 1. AKHIL C.S., S/O.SASIDHARAN,
AGED 28 YEARS, CHERAL HOUSE, CHERUVANNOOR,
FEROKE P.O., KOZHIKODE DISTRICT, PIN-673 631.**
- 2. MRIDUL P., S/O.PRABHAKARAN,
AGED 26 YEARS, POOKKATT HOUSE,
P.O. KOLATHARA, CHERUVANNOOR AMSOM DESOM,
KOZHIKODE TALUK, PIN-673 655.**

BY ADV. SMT.BINDU GEORGE.

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF,
KOZHIKODE, PIN-673 001.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
KOZHIKODE CITY, KOZHIKODE, PIN-673 001.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR OF
KASABA POLICE STATION, KOZHIKODE, PIN-673 002.**
- 4. THE SUB INSPECTOR OF POLICE,
PANNIYANKARA POLICE STATION,
KOZHIKODE, PIN-673 003.**
- 5. MR.SUNIL KUMAR,
THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR OF
KASABA POLICE STATION, KOZHIKODE, PIN-673 002.**

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- 6. PRAKASAN K.K., S/O.CHATHU, AGED 38 YEARS,
KOTTAKKUNNUMMEL HOUSE, P.O. MEPPAYYUR,
KOYILANDY, KOZHIKODE DISTRICT, PIN-673 524.**
- 7. MOLLY PRAKASAN, W/O.PRAKASAN K.K.,
AGED NOT KNOWN, KOTTAKKUNNUMMEL HOUSE,
P.O. MEPPAYYUR, KOYILANDY, KOZHIKODE DISTRICT,
PIN-673 524.**
- 8. K. ANILKUMAR, S/O.SUKUMARAN,
MARBLE HOUSE, NORTH BEYPORE P.O.,
KOZHIKODE DISTRICT, PIN-673 015.**

R1 TO R4 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 26983 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 COPY OF THE INTERIM ORDER IN WP(C).NO.13935/2015.

**EXT.P2 COPY OF THE PETITION SUBMITTED BY THE COMMISSIONER
OF POLICE, KOZHIKODE CITY DATED 03/09/2015.**

EXT.P2A COPY OF THE ENGLISH TRANSLATION OF EXT.P2.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 26983 of 2015

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Dated this, the 8th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioners have approached this Court seeking police protection *inter alia* contending that petitioners along with respondents 6 and 8 were partners of a firm. There has been dispute between the parties regarding the activities of the firm in which several disputes are pending and the matter was also settled by way of a mediation entered into between the parties. However, without complying with the terms of the settlement, respondents 6 and 8 with the assistance of the 5th respondent is harassing the petitioners and that they are also being threatened with dire consequences. Complaining that petitioners and their workers are prevented from carrying on the work relating to the firm and though the petitioners have approached the police for necessary assistance, no action has been taken by the police.

2. After hearing the learned counsel for the petitioners

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and after perusal of the averments in the writ petition, it is apparent that there is some dispute between the partners of the firm, which cannot be resolved by the police by interference in the matter. The business disputes are to be settled by recourse to appropriate civil proceedings. Police can interfere only if there is any offence committed or there is attempt to commit offence. Presently, despite the contention that the workers of the petitioners were prevented from carrying on the work relating to the firm, no further details are forthcoming. If there is interference by the partners in the matter relating to the business being carried on by the firm or any work being done by the firm, the remedy of the petitioners is to approach the Civil Court and obtain appropriate orders. Police cannot interfere in such disputes between the partners or their respective rights regarding the partnership.

3. In the aforesaid circumstances, we do not find it necessary to issue any directions as sought for. We only observe that if any offence is committed or there is attempt to commit

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offence, on the complaint of the petitioners, police shall look into the matter and do the needful.

Writ petition is disposed of as above.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge