

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 28283 of 2015 (I)

PETITIONER :

ELIAS AGED 50 YEARS
S/O. KURIAN, OLIKUZHYYIL HOUSE, PERIYAPURAM P.O
THIRUMARADY VILLAGE, MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT

BY ADV. SRI.ALIAS M. CHERIAN

RESPONDENTS :

1. P.C.CHACKO, AGED 55 YEARS
S/O. CHACKO, THANIKUZHYY HOUSE, PERIYAPURAM P.O
THIRUMARADY VILLAGE, MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT , PIN 686 667
2. MARIAMMA, AGED 52 YEARS
W/O. CHACKO, THANIKUZHYY HOUSE, PERIYAPURAM P.O
THIRUMARADY VILLAGE, MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT , PIN 686 667
3. SEENA, AGED 34 YEARS
D/O. CHACKO, THANIKUZHYY HOUSE, PERIYAPURAM P.O
THIRUMARADY VILLAGE, MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT , PIN 686 667
4. PAILY CHACKO, AGED 45 YEARS
S/O. CHACKO, THANIKUZHYY HOUSE, EDAYAR P.O
VILANGANPARA, MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT
5. PATHROSE CHACKO,, AGED 50 YEARS
S/O.CHACKO, THANIKUZHYY HOUSE, EDAYARP.O
VILANGANPARA, MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT
PIN 686 666
6. VARGHESE, AGED 70 YEARS
S/O. ESTHAPPAN, PEEDIKAPARAMBIL HOUSE, EDAYAR P.O
VILANGANPARA MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT
PIN 686 666

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7. K.C THANKACHAN, AGED 47 YEARS
S/O. CHACKO, KULANGARATHAZHATH HOUSE, EDAYAR P.O
OLAKKAD MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT
PIN 686 666

8. THE INSPECTOR GENERAL OF POLICE
OFFICE OF THE INSPECTOR GENERAL OF POLICE
SHANMUGHAM ROAD, ERNAKULAM PIN 682 031

9. DEPUTY SUPERINTENDANT OF POLICE,
MUVATTUPUZHA, ERNAKULAM DISTRICT PIN 686 661

10. THE SUB INSPECTOR OF POLICE
KOOHATTUKULAM POLICE STATION, MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT, PIN 686 662

R8, R9 & R10 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28283 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : TRUE COPY OF PLAINT IN O.S NO 5 OF 2014

EXHIBIT P2 : TRUE COPY OF COMPLAINT DATED 12/08/2014

EXHIBIT P3 : TRUE COPY OF FINAL REPORT IN C.CNO 541 OF 2014

EXHIBIT P4 : TRUE COPY OF FIR NO 411 OF 2015

EXHIBIT P5 : TRUE COPY OF COMPLAINT DATED 1-9-2015

EXHIBIT P6 : TRUE COPY OF ACKNOWLEDGEMENT NO 12454/2015/KOR
DATED 4/09/2015

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

Ashok Bhushan, C.J. & K. Vinod Chandran, J.

W.P.(C) No. 28283 OF 2015

Dated this the 18th day of September, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos.1 to 7 in view of the order which is being passed.

2. Petitioner has come up with the writ petition praying for police protection against the private respondents 1 to 7. According to the petitioner's own case, there is a dispute for right of way over the property between the petitioner and respondents 1 to 3 which is pending in O.S. No.5 of 2014. Petitioner's case is that the respondents, in spite of the pendency of the suit, have threatened and attacked the petitioner with regard to which FIR has been lodged and three crimes have already been registered.

3. We have considered the submissions of learned counsel for the parties and perused the record.

4. Having regard to the submission that crimes have already been registered, we see no reason to pass any

further orders in this writ petition with regard to the said incident. As far as the petitioner's apprehension that petitioner will be again attacked and offence will be committed by private respondents, we only observe that in case any offence is attempted or committed, it shall be open for the petitioner to file appropriate complaint, which shall be looked into by police.

We do not find any reason to interfere at this stage. We see no reason as to why petitioner's complaint which was submitted on 01.09.2015 is not looked into by the police. The Writ Petition is disposed of as above.

**Ashok Bhushan,
Chief Justice.**

**K. Vinod Chandran,
Judge.**

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