

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 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 28619 of 2015 (B)

PETITIONER(S) :

**BIJU T.A., AGED 38 YEARS,
S/O.ANTONY, THATTAKATHU HOUSE, POYYA P.O.,
KODUNGALLOOR, THRISSUR DISTRICT-680 733.**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENT(S) :

- 1. THE DY.S.P., CHALAKUDY,
THRISSUR DISTRICT.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
MALA, THRISSUR DISTRICT-680 732.**
- 3. THE DISTRICT SUPERINTENDENT OF POLICE (RURAL),
TRICHUR.**
- 4. BABU,
CHETTIPARAMBIL, ALATHUR P.O, CHALAKKUDY,
THRISSUR-680 741.**

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 28619 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 21-05-2015 IN
W.P.(C).NO.14931/2015.**

**EXHIBIT P2: TRUE COPY OF THE ORDER DATED 20-07-2015 IN
B.A.NO.4209/2015.**

**EXHIBIT P3: TRUE COPY OF THE NOTICE DATED 17-09-2015 AND ITS
TRANSLATION ISSUED BY THE POLICE.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 28619 of 2015

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Dated this, the 22nd day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court alleging harassment by the police. It is stated that earlier at the instance of the 4th respondent, police have made investigation and ultimately found that the petitioner was not involved in any crime. Later, on the basis of a private complaint given by the 4th respondent, Crime No.703/2015 was registered by the 4th respondent and after investigation, the matter has been referred. This is evident from order dated 20/7/2015 in Bail Application No.4209 of 2015 of this Court. It is submitted that thereafter, petitioner is now faced with another notice dated 17/9/2015, by which, he is asked to appear before the Deputy Superintendent of Police. Petitioner submits that 4th respondent is unnecessarily harassing him and repeated complaints are being filed which clearly amounts to harassment and the police having already referred the matter, there is no reason for further investigating the issue.

-:2:-

2. Learned State Attorney on instructions would submit that though earlier Crime No.703/2015 had been referred by the police, with certain additional materials, the 4th respondent had filed another complaint based on which Crime No.1094/2015 had been registered before the Mala Police Station and accordingly notice had been issued to the petitioner.

3. Having regard to the fact that police had summoned the petitioner based on fresh crime being registered, we do not think that issuing notice in the said crime for investigation amounts to any harassment. Learned counsel for the petitioner submits that the very crime is registered to harass the petitioner. We do not think that in this writ petition, we can adjudicate on the issue regarding the legality of the crime. It is for the petitioner to take appropriate steps in accordance with law.

In the result, we do not think that any orders can be passed in this writ petition. Accordingly, this writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

22/9/2015

//True Copy//

PS to Judge