

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 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 29299 of 2015 (J)

PETITIONER(S):

**P.K DEVARAJAN, AGED 44 YEARS,
S/O.KUNJAPPAN, PARAPPURATH, KANGARAPPADI,
VADAKOD P.O., THRIKKAKKARA NORTH VILLAGE,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.KRISHNADAS P. NAIR
SRI.HARIDAS P.NAIR
SMT.K.L.SREEKALA
SRI.M.A.VINOD
SRI.M.RAJESH KUMAR
SRI.K.R.RAMESH
SMT.B.SABITHA (DESOM)**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE, THRIKKAKKARA POLICE STATION,
ERNAKULAM-682030.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KALAMASSERY CIRCLE OFFICE, ERNAKULAM-683104.**
- 3. THE COMMISSIONER OF POLICE, ERNAKULAM CITY, ERNAKULAM-682030.**
- 4. SOMAN, AGED 48 YEARS, KAIPPILLIKATTIL VEEDU, KANGARAPPADI,
VADAKODE P.O., THRIKKAKKARA NORTH VILLAGE-682020.**
- 5. SIVAN, THAZHATHETHODIYIL, KANGARAPPADI, VADAKOD P.O.,
THRIKKAKKARA NORTH VILLAGE-682020, ERNAKULAM DISTRICT-682030.**
- 6. SANU, PARITHAMOLATH, KANGARAPPADI, VADAKOD P.O.,
THRIKKAKKARA NORTH VILLAGE-682020, ERNAKULAM DISTRICT-682030.**
- 7. VENU P.K., POOJA MANDIR, H.NO.49/198 1A, RESIDENCE LAIN,
EDAPPALLI, ERNAKULAM DISTRICT-682018.**

R1-3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 29299 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**P2: TRUE COPY OF THE PETITION BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT THRIKKAKARA WITH TRANSLATION**

P1(A): TRUE COPY OF THE ENGLISH TRANSLATION OF P1

**P2: TRUE COPY OF THE COMPLAINT FILED ON 21/4/15 BEFORE THE R3 WITH
TRANSLATION**

P2(A): TRUE COPY OF THE ENGLISH TRANSLATION OF P2

**P3: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER ON 16/9/15
BEFORE THE R1 & R2 AGAINST THE RESPONDENTS 4 TO 7**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.29299 of 2015

Dated this the 28th day of September 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court praying for police protection inter alia contending that there is threat from respondents 4 to 7 with reference to the right to enjoy their property as well as their life. On the basis of the complaint given by the petitioners before the Judicial First Class Magistrate Court, Thrikkakkara, crime has been registered by the Thrikkakkara police station as Crime No.484/2015 which is pending investigation. In the meantime, according to the petitioners, threat continues. Since the police did not take any action despite the petitioners giving complaints, this writ petition is filed.

2. It is apparent from the facts involved in the writ petition that there is a civil dispute between the petitioners and the 7th respondent with reference to the right to enjoyment of property. As far as the allegation of threat against the petitioners is concerned, crime has already been registered which is pending

investigation. Perusal of Exts.P2 and P3 does not indicate that any further offence has been committed by respondents 4 to 7. Police can interfere only if any offence is committed or there is attempt to commit offence. They cannot interfere in the civil dispute between the parties.

Under such circumstances, we do not think that the petitioners are entitled for any direction, as sought for. We only observe that if any offence is committed or there is any attempt to commit offence, it is always open for the petitioners to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr/28/09/2015

