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 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 30056 of 2015 (F)

PETITIONER(S):

TOBBY THOMAS, AGED 49 YEARS
S/O. A.T.THOMAS, ROSALINS, KEERUKUZHY P.O.
PIN-689502, ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SAKIR.K.H.

RESPONDENT(S):

1. **KUNJUMOL THANKACHAN, AGED 58 YEARS**
   W/O. THANKACHAN, THENGUMVILA PUTHENVEEDU, KADIKA
   THAIPARAMBU P.O., PIN-691526, ENATH,
   PATHANAMTHITTA DISTRICT.

2. **THE SUB INSPECTOR OF POLICE**
   ENATH POLICE STATION, PATHANAMTHITTA DISTRICT
   PIN-689645.

3. **THE CIRCLE INSPECTOR OF POLICE**
   ADOOR, PATHANAMTHITTA DISTRICT, PIN-689645.

4. **THE SUPERINTENDENT OF POLICE**
   PATHANAMTHITTA DISTRICT, PIN-689645.

BY Sr.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 30056 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE COMPLAINT DATED 23.9.2015 SUBMITTED BY THE PETITIONER BEFORE THE 4th RESPONDENT.

EXT.P2 : TRUE COPY OF THE POSTAL RECEIPT DATED 23.9.2015 ISSUED FROM ADOOR POST OFFICE, FOR EXT.P1 COMPLAINT.

RESPONDENTS' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.

W.P.(C)No.30056 of 2015

Dated this the 5th day of October, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner has approached this Court seeking police protection. It is stated that he is running an establishment by name “M/s Mery Gold Finance”, where money is lent by taking gold ornaments as pledged items. According to him, he had obtained necessary licence under the Money Lenders Act as well. The petitioner's complaint is with reference to the 1st respondent, who is a rubber merchant. According to the petitioner, the 1st respondent has threatened the petitioner and demanded huge amounts, whereupon the petitioner had filed complaint before the police ; but no action has been taken by the police. In a complaint dated 22.9.2015, the 1st respondent was summoned by the police and he was warned. Thereafter also, the 1st respondent was threatening the petitioner with

dire consequence and he is under fear of life. Since the police is not taking any action in the matter, this writ petition is filed.

2. The learned Government Pleader on instruction would submit that a complaint was filed by the 1st respondent alleging that the petitioner has received huge amounts from various persons without issuing any receipts and when receipts were demanded, the petitioner did not give the same. Since there were no materials to indicate the loan transaction between the parties, the police, on enquiry directed the parties to approach the civil court for appropriate reliefs. It is submitted by the learned Government Pleader that no untoward incident has been reported, whereas the 1st respondent was only making demands for providing proper receipts to the payments made to the petitioner.

3. Having regard to the aforesaid facts, we do not think that a direction as sought for can be passed in this case. We

only direct the police to ensure maintenance of law and order situation, if there is any offence committed or there is any attempt to commit. If there is any such complaint, it is always open to the petitioner to approach the police and the police shall look into the matter.

With the above observations, this writ petition is closed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A.to Judge