

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 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C) .No. 31421 of 2015 (C)

PETITIONER(S) :

1. MERCY VARKEY, AGED 61 YEARS
W/O.VARKEY, UMBAKKATT HOUSE, CHURULI
CHELACHUVADU, KANJIKKUZHY, IDUKKI
NOW RESIDING AT UMBAKKATT HOUSE, VAZHAKKULAM P O
VALLIKADA, MUVATTUPUZHA, ERNAKULAM
PIN-686 670.
2. JINTO VARKEY, AGED 31 YEARS
S/O.VARKEY, UMBAKKATT HOUSE, CHURULI
CHELACHUVADU, KANJIKKUZHY, IDUKKI
NOW RESIDING AT UMBAKKATT HOUSE, VAZHAKKULAM PO
VALLIKADA, MUVATTUPUZHA, ERNAKULAM
PIN-686 670

BY ADVS.SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.B.SURJITH
SRI.VIJU CHAKKALACKAN
SMT.R.ANJANA

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO THE GOVERNMENT OF KERALA
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695 001.
2. THE DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDNET OF POLICE
MUVATTUPUZHA, PIN-686 661.
3. THE CIRCLE INSPECTOR OF POLICE
MUVATTUPUZHA POLICE STATION, MUVATTUPUZHA
PIN-686 661.

Contd....

4. SUB INSPECTOR OF POLICE
VAZHAKKULAM POLICE STATION, MUVATTUPUZHA, PIN-686 661.
5. RASHEED, AGED 40 YEARS
S/O.BASHEER, KOLLAMPARAMBIL (H) , ERATTUPETTA
THEKKEKKARA, KOTTAYAM, PIN-686 582.
6. MUHAMMED RAFI @ RAJA, AGED 28 YEARS
S/O.ABDUL SALAM, KOCHEPARAMBIL HOUSE, ERATTUPETTA
THEKKEKKARA, KOTTAYAM, PIN-686 582.
7. KABEER, AGED 40 YEARS
S/O.ABDUL SALAM, KOCHEPARAMBIL (H) , ERATTUPETTA
THEKKEKKARA, KOTTAYAM, PIN-686 582.
8. SHAFI, AGED 27 YEARS
S/O.ABDUL SALAM, VALIYAVEETIL (H) , ERATTUPETTA
THEKKEKKARA, KOTTAYAM, PIN-686 582.
9. SHAHIR, AGED 35 YEARS
PROPRIETOR, HIGH RANGE SPICES, ERATTUPETTA
THEKKEKKARA, KOTTAYAM, PIN-686 582.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31421 of 2015 (C)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC NO.30328/15 DATED 7.10.2015.

EXT.P2 : TRUE COPY OF THE COMPLAINT FILED BEFORE 3rd RESPONDENT DATED 8.10.2015.

EXT.P3 : TRUE COPY RECEIPT ISSUED BY THE 3rd RESPONDENT'S OFFICE DATED 8.10.2015.

RESPONDENTS' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(C)No.31421 of 2015

Dated this the 26th day of October, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the petitioners and the learned Senior Government Pleader in the matter. Notice to respondent nos.5 to 9 is dispensed with, in view of the order to be passed.

2. The petitioners have come up with this police protection matter for the second time. Earlier W.P.(C) No.30328 of 2015 was filed by the petitioners with the same prayer which was disposed on 7.10.2015 giving liberty to the petitioners to submit complaint if there is any offence committed or attempt to commit offence. The petitioners have sought police protection against the 9th respondent. The learned Senior Government Pleader after obtaining instruction would submit that there has been a financial transaction between the petitioners and the private respondents and the dispute pertains to the said financial

transaction. It is submitted that after receipt of the complaint, the police has summoned the respondents and has recorded their statements. It was found that the dispute between the parties relates to the financial transaction where the respondents were advised to take part in the competent court for settling the dispute. It is submitted by the learned Senior Government Pleader that, as on date, neither any incident has taken place nor there is any such apprehension of commission of offence. In view of the aforesaid factual situation, we are of the view that, no order is required in this matter. We have already given liberty to the petitioners to submit complaint if there is any offence committed or attempt to commit offence.

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