

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 31427 of 2015 (C)

PETITIONER(S) :-

1. SAMEERA P.K., W/O.MOHAMMED SAKKEER,
KOLLARUTHODI HOUSE, P.O.THOOHA,
PERINTHALMANNA, MALAPPURAM DISTRICT.
2. MOHAMMED SAKKEER, S/O.MOHAMMED,
KOLLARUTHODI HOUSE, P.O.THOOHA,
PERINTHALMANNA, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.M.SATHYANATHA MENON
SRI.A.SANTHOSHKUMAR
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH

RESPONDENT(S) :-

1. AMEER, S/O.RAHMATH, KULAPURATH HOUSE,
P.O.MARAYAMANGALAM, IRIMBALASSERI,
OTTAPPALAM, PALAKKAD DISTRICT, PIN - 679 335.
2. RAHMATH, KULAPURATH HOUSE, P.O.MARAYAMANGALAM,
IRIMBALASSERI, OTTAPPALAM, PALAKKAD DISTRICT,
PIN - 679335.
3. THE DISTRICT POLICE SUPERINTENDENT,
MALAPPURAM - 676 505.
4. THE CIRCLE INSPECTOR OF POLICE, PERINTHALMANNA,
MALAPPURAM DISTRICT, PIN - 679 322.
5. THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN - 679 322.

R3 TO R5 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

WP(C).NO.31427 OF 2015

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME No.1106/2015 SUBMITTED BY THE 5TH RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PERINTHALMANNA.

EXT.P1(a) :- RELEVANT PORTION OF ENGLISH TRANSLATION OF EXT.P1.

EXT.P2 :- TRUE COPY OF THE REPORT SUBMITTED BY THE 5TH RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-1, PERINTHALMANNA.

EXT.P2(a) :- ENGLISH TRANSLATION OF EXT.P2.

EXT.P3 :- TRUE COPY OF THE COMPLAINT DATED 30.8.2015 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 5TH RESPONDENT.

EXT.P3(a) :- ENGLISH TRANSLATION OF EXT.P3.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.31427 of 2015

Dated this the 15th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court alleging about the illegal activities of respondents 1 and 2, who are the son and first wife of the 2nd petitioner. It is stated that on account of certain offences committed by respondents 1 and 2, a crime has been registered against them and the investigation is in progress. The complaint of the petitioners is that there are serious threat to their life and despite their complaint, Ext.P3, no action has been taken by the police.

2. A reference to Ext.P3 indicates about an incident which happened on 28.8.2015, for which, a crime had already been registered by the police. There is no other serious allegation of any offence being committed or attempt to commit offence.

3. However, the learned counsel for the petitioners submits that the petitioners are under the fear of threat to their life.

4. Learned Government Pleader on instructions would submit that after the incident, which is reported on 28.8.2015, no untoward incident is reported so far.

-: 2 :-

5. Having regard to the aforesaid factual situation, we are of the view that the police can interfere only if there is any offence committed or attempt to commit offence. Ext.P3 does not disclose any such activity other than the allegation of threat.

6. Under such circumstances, we do not think that any direction as prayed for can be granted in this case. However, we only observe that if there is any offence committed or attempt to commit offence, on the complaint of the petitioners, the police shall look into the matter and do the needful.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE