

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. 32333 of 2015 (N)

PETITIONER(S) :-

SAJJAY, S/O.SIVADASAN,
HIGHER SECONDARY SCHOOL TEACHER, SENIOR (ZOOLOGY)
GUHANANDHAPUAM HIGHER SECONDARY SCHOOL, CHAVARA
KOLLAM, RESIDING AT SAJJAY NIVAS, KAVANADU P.O.,
MEENATHU CHERRY, SAKTHIKULANGARA, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :-

1. THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACAUD P.O
THIRUVANANTHAPURAM, PIN - 695 014.
2. THE CITY POLICE COMMISSIONER
KOLLAM CITY, KOLLAM - 691 001.
3. THE CIRCLE INSPECTOR OF POLICE
KOLLAM WEST POLICE STATION, KOLLAM - 691 013.
4. THE STATION HOUSE OFFICER
KOLLAM WEST POLICE STATION, KOLLAM - 691 013.
5. THE STATION HOUSE OFFICER
SAKTHIKULANGARA POLICE STATION, SAKTHIKULANGARA
KOLLAM, PIN - 691 581.
6. THE SUB INSPECTOR OF POLICE
VANITHA POLICE STATION, KOLLAM EAST POLICE STATION
CAMPUS, KOLLAM - 691 001.
7. SMT.LAKSHMI.S
D/O.KOMALAN, KOCHUKARANA, SAKTHIKULANGARA P.O.
KOLLAM, PIN - 691 581.
8. SRI.RAJ MOHAN, CIVIL POLICE OFFICER
KOLLAM EAST POLICE STATION, KOLLAM
RESIDING AT REVATHY, NEAR MINI MARKET
MUNDAKKAL VILLAGE, KOLLAM - 691 001.

R1 TO R6 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

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

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- THE TRUE COPY OF THE MEDICAL RECORDS OF THE PETITINER
OBTAINED FROM LAKE SHORE HOSPITAL, ERNAKULAM AND MEDICAL
COLLEGE HOSPITAL, THIRUVNANTHAPURAM.

EXT.P2- TRUE COPY OF THE ORDER DATED 10.4.2015 IN IA
NO.1517/2015 IN MAT APPEAL NO.383/15 OF THIS HON'BLE COURT.

EXT.P3- THE TRUE COPY OF THE ORDER DATED 8.6.15 IN CRL.M.A.
NO.2912/15 IN RP(FC) NO.176/2015 OF THIS HONOURABLE COURT.

EXT.P4- THE TRUE COPY OF THE RECEIPT DATED 23.2.2015 ISSUED BY
THE CIRCLE INSPECTOR OF POLCIE, KOLLAM EAST POLICE STATION TO
THE PETITIONER.

EXT.P5- TRUE COPY OF THE NOTICE DATED 10.7.2015 ISSUED BY THE
3RD RESPONDENT TO THE PETITIONER AND ITS ENGLISH TRANSLATION.

EXT.P6- THE TRUE COPY OF THE NOTICE ISSUED BY THE 5TH
RESPONDENT TO THE PETITIONER AND ITS ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.32333 of 2015

Dated this the 26th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court alleging harassment by police. It is stated that false complaints are being filed by the 7th respondent, who is his divorced wife and at her instance, the 8th respondent and other police officials are unnecessarily summoning the petitioner, which amounts to harassment.

2. Learned counsel for the petitioner submits that there is dispute between the petitioner and the 7th respondent and dispute is pending before the Family Court and a civil suit has been filed, which is also pending consideration. In the mean time, there is no reason why the police should interfere in such matters.

3. Learned State Attorney on instructions would submit that the 7th respondent had filed complaints before the police, which had been enquired into on two occasions. The parties were summoned and they were asked to maintain peace and thereafter the said complaint was closed. Another complaint was filed and

again the petitioner and the 7th respondent were summoned. The petitioner had appeared before the police along with his counsel and after taking the statements, the said complaint has been closed. It is submitted that the petitioner is trying to forcibly evict the 7th respondent and her son from the place where they are residing.

4. Learned counsel for the petitioner submits that the petitioner had not created any such nuisance as alleged and he had not committed any offence, whereas, he is unnecessarily summoned to the police station. It is submitted that the 7th respondent is residing in the property belonging to the petitioner and he had also filed a suit. It is also submitted that the petitioner, being a teacher of the Higher Secondary School, had not involved in any offence at all.

5. Having regard to the aforesaid factual situation, we are of the view that since the complaints against the petitioner had already been closed, there is no reason to proceed with the present writ petition. Summoning of the petitioner by the police was based on the complaints given by the 7th respondent, which alone cannot be termed as harassment. If there is any existing threat from the police, it is always open for the petitioner to

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approach the Police Complaint Cell or the competent higher authorities. The facts narrated in the present case does not amount to any harassment by police as alleged.

Since the complaints had already been closed, we do not think that any direction as sought for can be issued in the writ petition. Accordingly, the same is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**