

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HON'BLE THE ACTING CHIEF JUSTICE SRI. ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 33680 of 2014 (H)

PETITIONER(S):

ANIL KUMAR AGED 42 YEARS
S/O.RAMACHANDRAN, KOMARETH HOUSE, NEENDOOR
VADAKKEKARA VILLAGE, NORTH PARUR, ERNAKULAM 683522

BY ADVS.SRI.K.SIMOD SIVAN
SMT.K.TRESA RANI GEORGE
SRI.A.A.MUHAMMED NASSAR
SRI.K.SANTHOSH KUMARAN THAMPI

RESPONDENT(S):

1. SUPERINTENDENT OF POLICE
ALUVA RURAL, ERNAKULAM PIN 683101

2. CIRCLE INSPECTOR OF POLICE,VADAKKEKARA,
NORTH PARUR,ERNAKULAM PIN 683513

3. SUB INSPECTOR OF POLICE,VADAKKEKARA,
NORTH PARUR,ERNAKULAM PIN 683513

4. SASIKUMAR
S/O.KESAVAN, KULANGARA HOUSE, PATTANAM
NORTH PARAVUR, ERNAKULAM PIN 683522

5. MARTIN
C/O. SASIKUMAR, KULANGARA HOUSE, PATTANAM
NORTH PARAVUR, ERNAKULAM PIN 683522

6. M.D APPUKUTTAN,MUZHANGIL HOUSE,
PATTNAM KARA,NORTH PARAVUR,ERNAKULAM - 683522

BY GOVERNMENT PLEADER SRI.C.R.SHYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 02-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 33680 of 2014 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE SALE DEED DATED
8/2/2013 WITH ITS ENGLISH TRANSLATION

EXHIBIT P2 THE REGISTRATION CERTIFICATE IN
RESPECT OF STAGE CARRIAGE VEHICLE KL7AF 3321

EXT.P3: TRUE COPY OF THE FIR REGISTERED
AGAINST THE 4TH RESPONDENT WITH ITS ENGLISH
TRANSLATION

EXT.P4: TRUE COPY OF THE COMPLAINT DATED
12-11-2014 SUBMITTED BEFORE THE 1ST
RESPONDENT

EXT.P5: TRUE COPY OF THE RECEIPT DATED 12-
11-2014 ISSUED BY THE OFFICE OF THE 1ST
RESPONDENT

EXT.P6: TRUE COPY OF THE complaint
SUBMITTED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT WITH ITS ENGLISH TRANSLATION

EXT.P7: TRUE COPY OF THE RECEIPT DATED 20-
11-2014 ISSUED BY THE 2ND RESPONDENT

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. (C) No. 33680 of 2014 – H
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Dated this the 2nd day of March, 2015

JUDGMENT

Shaffique, J.

Petitioner claiming to be the lawful owner of a bus bearing Reg. No. KL-07-AF-3321 has approached this Court seeking police protection stating that the custody of the bus has been taken away by the 4th respondent. It is submitted that on the complaint of the petitioner Crime has been registered against the 4th respondent for offences involving Sec. 17 of the Money Lenders Act and Secs. 3 and 9 of the Prohibition of Charging Exorbitant Interest, Act, 2003.

2. According to the petitioner, the 4th respondent had made use of certain signed blank papers and cheque leaves from

the petitioner and has taken custody of the vehicle. Though a complaint has been preferred before the first respondent, no action has been taken by the police in the matter.

3. The learned State Attorney, on instructions, submitted that police had made an enquiry with reference to Ext. P6 complaint preferred by the petitioner before the 2nd respondent, and found that the same has been false.

4. Having regard to the above said submission, we are of the view that, the issue involved between the petitioner and 4th respondent is with reference to the right to have custody of the bus, which the petitioner claims to be the absolute owner. This is an issue which cannot be decided by the police. The petitioner will have to approach the appropriate court for necessary reliefs.

Having regard to the aforesaid facts and circumstances, we

do not think that any relief as prayed for by the petitioner can be granted. Reserving the right of the petitioner to approach the Court for necessary relief, this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,
JUDGE

ani/

/truecopy/

P.S.toJudge