

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 34018 of 2014 (B)

PETITIONER:

**LINU SANTHOSH JOHNSON, AGED 40 YEARS
S/O.JOHNSON, K.V.KIZHAGUMVILAYIL HOUSE, LANE-33/1
JANATHA ROAD, VYTTLA, KOCHIN - 30.**

BY ADV. SRI.M.R.SARIN

RESPONDENTS:-

- 1. THE DIRECTOR GENERAL OF POLICE (KERALA)
POLICE HEADQUARTER, THIRUVANANTHAPURAM - 695 001.**
- 2. THE ASSISTANT COMMISSIONER OF POLICE
CONTONMENT POLICE STATION, THAMPANUR
TRIVANDRUM - 695 001.**
- 3. THE SUB INSPECTOR OF POLICE
THAMPANOOR POLICE STATION, TRIVANDRUM - 695 001.**
- 4. K.V.MAHAMOOD HAJI
PWDC-CLASS CONTRACTOR, LICENSE NO CP/W/2/378F
ERANDU, CHECKODE P.O., MALAPPURAM.**

R BY GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P1. TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT ON 06.01.14.**

**EXHIBIT P2. TRUE COPY OF THE PETITION FILED BY THE PETITIONER EBFOR
THE 2ND RESPONDENT ON 04.06.14.**

**EXHIBIT P3. TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE 3RD RESPONDENT ON 13.11.14.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

W.P.(C) No.34018 of 2014

Dated this the 8th day of January, 2015

JUDGMENT

The writ petitioner herein seeks a writ of mandamus directing the police to proceed with action under the Code of Criminal Procedure on Exts.P1 to P3 complaints made by him against the 4th respondent. Report of the police was called for by the court. Now, the learned Public Prosecutor submits on instructions, that practically there is no complaint requiring any criminal action by the police under the Code of Criminal Procedure, and that the dispute between the parties is actually regarding a money transaction. On a perusal of Exts.P1 to P3 complaints produced in court, I find that none of the so called complaints contain any allegation constituting a definite offence, and these cannot be considered as complaints meant under the Code of Criminal Procedure. The request of the petitioner in all these complaints is to intervene in his transaction with the 4th respondent, to recover the amount due from him, to direct him to settle the account, and to direct him to remit the amount in his

bank account. These things will not constitute a complaint, and it will not require the police to take any action under the Code of Criminal Procedure. The police can however act and take action, if a proper complaint alleging definite offence with necessary ingredients and elements is filed by the petitioner. At present, on the basis of Exts.P1 to P3 complaints, such an action is not possible, and the petitioner will have to seek appropriate civil remedies.

With the above observations, this writ petition is closed.

Sd/-

P. UBAID, JUDGE

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