

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 34604 of 2014 (A)

PETITIONER(S):

1. BAIJU,
S/O.THANKAPPAN, ETTUPARAYIL HOUSE, KONGORPILLY KARA
ALANGAD VILLAGE, ERNAKULAM.

2. JAINY SAMRAJ
W/O. SAMRAJ, MANADAN HOUSE, NEERIKODE KARA
ALANGAD VILLAGE, ERNAKULAM DISTRICT.

BY ADVS.SRI.ANIL K.MOHAMMED
SRI.M.K.FAISAL
SRI.V.S.MANSOOR

RESPONDENT(S):

1. STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM- 695 010.

2. DISTRICT POLICE CHIEF
ERNAKULAM RURAL, ALUVA - 683 003.

3. THE INSPECTOR OF POLICE,
N. PARAVUR, ERNAKULAM - 683 511.

4. THE SUB INSPECTOR OF POLICE,
N. PARAVUR, ERNAKULAM - 683 511.

5. SUDHI
THAITHARA HOUSE, PUTHUKADU KARA, KARUMALLOOR VILLAGE
ERNAKULAM -683 511.

R1 TO R4 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 34604 of 2014 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE RECEIPT DATED 15/07/2014 ISSUED FROM THE
OFFICE OF THE CIRCLE INSPECTOR OF POLICE, ALUVA.

EXHIBIT-P2-TRUE COPY OF THE JUDGMENT IN O.S 500/2012 OF SUB COURT, N.
PARUR.

EXHIBIT-P3-TRUE COPY OF THE COMPLAINT DATED 05/10/2014 SUBMITTED TO
THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 34604 of 2014

Dated this the 6th January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to the 5th respondent in view of the order, which is being passed.

2. This Writ Petition has been filed alleging Police harassment and praying for a direction to respondents 3 and 4 to forbear from harassing or compelling the petitioners from parting any money to the fifth respondent and to forbear from intervening in the civil disputes. The petitioners' case is that they had taken financial assistance from the fifth respondent, which was repaid. However, complaints were submitted by the fifth respondent against the petitioners and the Police authorities are asking the petitioners to pay money to the 5th respondent.

3. The learned Government Pleader, after obtaining instruction, submits that a complaint was received from the fifth respondent against the petitioners, which was not with

regard to any financial transaction and in connection with the said complaint, the petitioners were asked to appear on 15.12.2014, but the petitioners did not appear and sent a representative along with another complaint. He submits that the Police authorities are not in any manner interfering with regard to any financial transaction between the parties.

4. In view of the above, we are of the view that present is not a case of Police harassment. We only observe that the Police authorities, while carrying on the investigation, shall take appropriate steps in accordance with the procedure prescribed in the Code of Criminal Procedure.

The Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs6/1/15