

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38296 of 2015 (J)

PETITIONER :

BINU JOSEPH, AGED 38 YEARS,
S/O.K.V.JOSEPH, VETTIKATTU KIZHAKKEKOOTTU HOUSE
KOLLAPURAM, NALUKODI P.O., PAIPPAD VILLAGE
CHANGANACHERRY TALUK.

BY ADV. SRI.ANOOP JOSEPH

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. DISTRICT POLICE CHIEF
PATHANAMTHITTA DISTRICT-689 645.
3. SUB INSPECTOR OF POLICE
KEEZHVAYPUR, THIRUVALLA-689 101.
4. GEO JOSEPH, AGED 63 YEARS
S/O.M.J.JOSEPH, KOTTAL HOUSE, NEAR PAMALA KUSISHU
KUNNANTHANAM VILLAGE, MALLAPPALLY TALUK
PATHANAMTHITTA DISTRICT
NOW RESIDING AT GENERAL MANAGER
AL BUCHEERI GENERAL TRANSPORT EST.POST BOX NO.3890
ABUDHABI, UAE.
5. SIJIMOL JOSEPH, AGED 52 YEARS
D/O.LATE BABICHAN, KOTTAL HOUSE, NEAR PAMALA KUSISHU
KUNNANTHANAM VILLAGE, MALLAPPALLY TALUK
PATHANAMTHITTA DISTRICT
NOW RESIDING AT KUTTIKKAL VEEDU, THOTTAKKATT VILLAGE
KONGODI P.O., KOTTAYAM DISTRICT-686 003.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE AUTHORIZATION DATED 06.01.2013.

EXT.P2 : TRUE COPY OF THE RECEIPT DATED 05.04.2013.

EXT.P3 : TRUE COPY OF THE RECEIPT ISSUED BY THE TRANSPORT OPERATOR
DATED 10.12.2015.

EXT.P4 : TRUE COPY OF THE RECEIPT ISSUED BY THE CRANE OPERATOR
10.12.2015.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 38296 OF 2015

Dated this the 22nd day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos.4 and 5 in view of the order which is being passed.

2. This writ petition has been filed by the petitioner alleging police harassment. Petitioner's case is that there was some business transaction between the petitioner and 4th respondent. Petitioner has transported certain heavy machines and incurred expenses. Petitioner has already filed a suit for payment. Petitioner's case is that police is harassing the petitioner.

3. Learned Government Pleader after obtaining instructions submits that a complaint has been received from the 4th respondent who is the owner of the house where the machines are kept. In connection with the same the petitioner was called to appear before the Police but petitioner did not

appear and rushed to this Court. Crime No.1907/2015 has already been registered.

In view of the above, we do not think that there is any kind of police harassment. It is open for the petitioner to appear before police for recording his statement. The Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**