IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 5TH DAY OF FEBRUARY 2024 / 16TH MAGHA, 1945

WP(C) NO. 3238 OF 2024

PETITIONER:

MUHAMMED SHA
AGED 65 YEARS
S/O. SAID MUHAMMED, KARIPPATHODI HOUSE,KUMMINIPARAMBU P.O.,KONDOTTY TALUK,MALAPPURAM DISTRICT, PIN - 673638

BY ADV C.M.MOHAMMED IQUABAL

RESPONDENTS:

1 THE DEPUTY SUPERINTENDENT OF POLICE, KONDOTTY, DY.S.P.OFFICE, KONDOTTY P.O., MALAPPURAM DISTRICT, PIN - 673638

2 THE CIRCLE INSPECTOR OF POLICE, KARIPPUR POLICE STATION, KUMMINIPARAMBA P.O., MALAPPURAM DISTRICT, PIN - 673638

3 THE STATION HOUSE OFFICER, KARIPPUR POLICE STATION, KUMMINIPARAMBA P.O., MALAPPURAM DISTRICT, PIN - 673638

4 MR. MUHAMMED KOYA, S/O. MAMMEDEESAKUTTY, KUNNATHODI VEEDU, MELANGADI, CALICUT AIRPORT P.O., KONDOTTY AMSOM, KOLATHUR DESOM, MALAPPURAM DISTRICT, PIN - 673547

5 MRS. SUHARABI, W/O. MUHAMMED KOYA,KUNNATHODI VEEDU, MELANGADI, CALICUT AIRPORT P.O., KONDOTTY AMSOM, KOLATHUR DESOM, MALAPPURAM DISTRICT, PIN - 673547

SMT RASMI THOMAS, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner states that there are civil disputes between the petitioner herein and the respondents 4 and 5. He filed a suit for permanent prohibitory injunction before the Munsiff Court Manjeri and the said suit was decreed. Though an appeal was preferred as AS No.32 of 2016, the appeal was rejected by Ext.P1. Against the judgment and decree, 2nd appeal has been preferred before this Court, and the same is pending consideration. According to the petitioner, the party respondents have now approached the 3rd respondent and have filed a complaint based on which the petitioner is continuously summoned by the police officers. He contends that this action would amount to pure harassment as the police have no jurisdiction to interfere in civil disputes. Being aggrieved, he is stated to have preferred Ext.P3 representation before the 1st respondent. It is on these assertions that this writ petition is filed seeking directions.

2. The learned Government Pleader would point out that on the allegation that the petitioner has trespassed into certain portions of the property of the party respondents, a complaint was lodged before the Chief Minister, and the same was forwarded to the police. The petitioner herein was summoned to enquire into the allegations. It is further submitted that the police do not intend to summon or harass the petitioner.

3. I have considered the submissions advanced by both sides. From the records made available before this Court, it appears that the suit filed by the petitioner has been decreed. There is no case for the respondents that a crime has been registered against the petitioner herein. Insofar as the civil disputes are concerned, the matter is pending before this Court, and the police have no reason to interfere in such disputes.

In that view of the matter, this writ petition is disposed of ordering the official to refrain from summoning or harassing the petitioner in connection with any civil disputes.

This petition is disposed of.

Sd/-
RAJA VIJAYARAGHAVAN V
JUDGE

IAP

APPENDIX OF WP(C) 3238/2024

PETITIONER'S EXHIBITS:

Exhibit P1	THE TRUE COPY OF THE JUDGMENT IN A.S.NO. 32/2016 OF THE SUB COURT, MANJERI DATED 28.02.2018
Exhibit P2	THE TRUE COPY OF THE CASE STATUS OF R.S.A.NO.1004/2018 OF THIS HON'BLE COURT DATED NIL
Exhibit P3	THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 15.01.2024