2025:KER:25776

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 25TH DAY OF MARCH 2025 / 4TH CHAITHRA, 1947

WP(C) NO. 4632 OF 2025

PETITIONER/S:

1 **SUBY CHACKO**
AGED 48 YEARS
SON OF SRI. BABY CHACKO, THUNDIYAMKULATHU, KALLOOPPARA, THURUTHICAUD, PATHANAMTHITTA DISTRICT, KERALA,, PIN - 68959

2 **MINI JOSEPH**
AGED 45 YEARS
WIFE OF SUBY CHACKO, THUNDIYAMKULATHU, KALLOOPPARA, THURUTHICAUD, PATHANAMTHITTA DISTRICT, KERALA, PIN - 689597

BY ADVS.
LUKE J CHIRAYIL
JACOB VICTOR
NAVANEETH KRISHNAN P.K.
ZAINUDHEEN P.
ARAVIND R. NAIR

RESPONDENT/S:

1 **THE STATE OF KERALA**
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN - 695001

2 **THE DISTRICT POLICE CHIEF**
KOTTAYAM DISTRICT, KOTTAYAM, KERALA,, PIN - 686001

3 **THE SHO**
KOTTAYAM WEST POLICE STATION, KOTTAYAM DISTRICT, KOTTAYAM, KERALA, PIN - 686002

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KOTTAYAM WEST POLICE STATION, KOTTAYAM DISTRICT,
KOTTAYAM, KERALA, PIN - 686002

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KOTTAYAM WEST POLICE STATION, KOTTAYAM DISTRICT,
KOTTAYAM, KERALA, PIN - 686002

OTHER PRESENT:

SRI AJITH VISWANATHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.S.DIAS, J.

WP(C) No.4632 OF 2025

Dated this the 25th day of March, 2025

JUDGMENT

The writ petition is filed to direct the respondents 3 to 5 not to harass the petitioners by summoning them to the police station unnecessarily.

2. When the writ petition came up for consideration on 13.02.2025 this Court passed the following order:

> *"The learned Government Pleader takes notice for the respondents. The competent among the respondents shall file counter affidavit.*
>
> *2. The respondents are directed not to summon the petitioners to the police station without issuing a notice under Section 35(3) of the BNSS".*

3. Heard; the learned counsel for the petitioners and the learned Government Pleader.

4. On a consideration of the facts and the materials on record, I am of the view that a quietus can be given to the writ petition, by making the interim order dated 13.02.2025 absolute.

In the said circumstances, the writ petition is

disposed of by making the interim order dated 13.02.2025 absolute.

The writ petition is ordered accordingly.

Sd/-

C.S.DIAS, JUDGE

rkc/25.03.25

APPENDIX OF WP(C) 4632/2025

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE CAUSALITY TICKET DATED 02.02.2025 NUMBERED AS 3232 ISSUED IN THE NAME OF THE 1ST PETITIONER BY MALLAPPALLY BLOCK PANCHAYAT TALUK HEADQUARTERS HOSPITAL, MALLAPPALLY**
Exhibit P2	**TRUE COPY OF THE COMPLAINT DATED 30.08.2024 PREFERRED BY MRS. PREETHY MATHEW BEFORE THE CHIEF MINISTER AND THE HOME MINISTER**
Exhibit P3	**TRUE COPY OF THE AMENDED WRIT PETITION NUMBERED AS W.P. (C) NO. 33775/ 2024 ON THE FILES OF THE HONOURABLE HIGH COURT OF KERALA**
Exhibit P4	**TRUE COPY OF THE CMP NUMBERED AS 11660/2024 DATED 13.12.2024 PREFERRED BY MRS. PREETHY MATHEW ON THE FILES OF THE HON'BLE JFCM-III, KOTTAYAM**