



2025:KER:27303

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 26TH DAY OF MARCH 2025 / 5TH CHAITHRA, 1947

WP(C) NO. 30383 OF 2023

PETITIONER:

SAJID KAMBRATH
AGED 42 YEARS
S/O SEEDHI, KAMBRATH HOUSE, MAMBAD P.O, PALATHINGAL,
MALAPPURAM DISTRICT, PIN - 676542

BY ADVS.
BIMALA BABY
JEFRIN JOSE
JASMINE LIGY
MAGI PAVITHRAN
ROSHAN SHAJI

RESPONDENTS:

- 1 DIRECTOR GENERAL OF POLICE KERALA
POLICE HEADQUARTERS, THIRUVANANTHAPURAM-, PIN - 695010
- 2 THE SUPERINTENDENT OF POLICE
DISTRICT POLICE OFFICE, UP HILL POST, MALAPPURAM
DISTRICT-, PIN - 676505
- 3 THE STATION HOUSE OFFICER
NILAMBUR POLICE STATIONNILAMBUR- GUDALUR ROAD, NILAMBUR
P.O, MALAPPURAM DISTRICT - KERALA -, PIN - 679329
- 4 LINEE ABRAHAM
AGED 45, THYPARAMBIL HOUSE, PULLODE, MAMBAD P.O,
VADAPURAM, MALAPURAM DISTRICT-, PIN - 676542

BY ADVS.
SABU GEORGE .
P.B.KRISHNAN(K/1193/1994)



2025:KER:27303

P.B.SUBRAMANYAN(K/1145/2009)
MANU VYASAN PETER(K/000652/2013)
GP.SRI.B.S.SYAMANTHAK

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



JUDGMENT

Dated this the 26th day of March, 2025

The writ petition is filed to direct the respondents 1 to 3 to afford adequate police protection to the life and property of the petitioner from the threats being caused by the 4th respondent.

2. The petitioner is one of the director of the chit company named 'DHANASURABHI'. The 4th respondent is also one of the director's of the said company. As the 4th respondent committed malpractices in the company, the petitioner brought this to the notice of the other directors. Immediately, the 4th respondent started harassing the petitioner and threatening the petitioner. The petitioner apprehends that the 4th respondent would cause harm to his life and property. Hence, the writ petition.

3. The 4th respondent has filed a counter affidavit denying the allegations in the writ petition. It is contended that, the petitioner's attempt is only to prevent the 4th respondent from participating in the affairs of the company. The dispute between the parties is purely civil in nature. The



4th respondent has also filed Ext.R4(h) before the 2nd respondent, regarding the false complaint filed by the petitioner. Hence, the writ petition may be dismissed.

4. Heard; the learned counsel for the petitioner, the learned Government Pleader and the learned counsel for the 4th respondent.

5. On a consideration of the facts and the materials on record, particularly there are disputes between the parties regarding the management and administration of the company, I am prima facie satisfied that the disputes are civil in nature.

6. In **Padmanabhan N v. State of Kerala** (2024 KHC Online 7177), the Division Bench of this Court has held as follows:

“6. Police protection cannot be asked for issues that fall within the jurisdiction of civil courts, particularly when it involves resolving private disputes between parties. It is well established in law that civil rights must be adjudicated by competent civil courts. The enforcement of civil court orders should be carried out in accordance with the procedures outlined in the Code of Civil Procedure, 1908, or any relevant statute that establishes the



appropriate forums for such matters.

xxx xxx xxx

8. Seeking and employing a police force cannot be a means to sidestep the need for dispute resolution in competent courts. Invariably, such directions are sought invoking Article 226 of the Constitution of India.”

7. On a consideration of the facts and the materials on record, I am not inclined to exercise the discretionary jurisdiction of this Court under Article 226 of the Constitution of India. Nonetheless, if there is any law and order problem, it will be up to the petitioner to approach the jurisdictional Police Station and file a complaint in the said regard. If such complaint is filed, the jurisdictional Police Station shall conduct an enquiry and take action on the complaint, in accordance with law, without interfering in any civil dispute between the parties.

The writ petition is ordered accordingly.

Sd/- C.S.DIAS, JUDGE

**APPENDIX OF WP(C) 30383/2023****PETITIONER EXHIBITS**

- Exhibit P1** TRUE COPY OF THE COMPLAINT DATED 08/09/2023 FILED BEFORE 3RD RESPONDENT
- Exhibit P2** TRUE COPY OF THE RECEIPT ISSUED BY RESPONDENT NO.3 DATED 08/09/2023
- Exhibit P3** TRUE COPY OF THE COMPLAINT DATED 08/09//2023 FILED BEFORE RESPONDENT NO. 2
- Exhibit P4** TRUE COPY OF THE RECEIPT OF COMPLAINT ISSUED FROM OFFICE OF RESPONDENT NO.2 DATED 08/09/2023
- Exhibit P5** TRUE COPY OF COMPLAINT FILED BY PETITIONER THOROUGH EMAIL BEFORE RESPONDENT NO.1 DATED 12/9/2023

RESPONDENT EXHIBITS

- Exhibit-R4(a)** A true copy of the Form No.INC 33, e-memorandum of Association filed by the Company at the time of incorporation dated 23-10-2019
- Exhibit-R4(b)** A true copy of Form No.INC 34, e-Articles of Association of the Company dated 23-10-2019
- Exhibit-R4(c)** A true copy of the Company Information dated 27-09-2023
- Exhibit-R4(d)** A true copy of email dated 01-07-2023
- Exhibit-R4(e)** A true copy of email dated 14-07-2023
- Exhibit-R4(f)** A true copy of email dated 20-07-2023
- Exhibit-R4(g)** A true copy of the resolutions passed by the Board of Directors in its meeting held on 14-07-2023
- Exhibit-R4(h)** A true copy of the draft of the complaint filed by Respondent No.4 on 11-09-2023 in the Nilambur Sub Divisional Office of Police along with its receipt