

Jafarkhan Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1136331

Court : Kerala

Decided On : Mar-26-2014

Judge : Hon'Ble the Chief Justice Dr. Manjula Chellur

Appellant : Jafarkhan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE DR. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE WEDNESDAY, THE 26^H DAY OF MARCH 2014 5TH CHAITHRA, 1936 WP(C).No. 7950 of 2014 (P)

----- PETITIONER : ----- JAFARKHAN S/O. I. OUKKAN HAJI, KARUVELIL HOUSE, VENGOLE P.O., ERNAKULAM DISTRICT - 683 554. BY ADVS.SRI.PRAVEEN K. JOY SRI.T.A.JOY RESPONDENT(S) : ----- 1. STATE OF KERALA REPRESENTED BY SECRETARY (HOME DEPARTMENT) SECRETARIAT, TRIVANDRUM-695 001.

2. THE COMMISSIONER OF POLICE ERNAKULAM-682 018.

3. THE SUPERINTENDENT OF POLICE RURAL, ALUVA.

4. THE ASSISTANT COMMISSIONER OF POLICE SPECIAL BRANCH, EDAPPALLY BRANCH ERNAKULAM-682 018.

5. THE STATION HOUSE OFFICER, OFFICE OF THE SUB INSPECTOR OF POLICE PERUMBAVOOR POLICE STATION-683 555.
6. ANAZ @ ANZEER, AGED35 S/O. MUHAMMED, MANJALIKKAL HOUSE, NEDUMTHODU MUDICKAL POST-683 556.
7. AMEEN, AGED30 MEZHUKKATTIL HOUSE, MALLAMKUZHI THIKKAV S/O.ABDUL RAHIMAN MOULAVI, PENGATTUSSARY AL-AMEEN COLLEGE ROAD, EDATHALA-683 555. ...2/- WP(C).No. 7950 of 2014 (P) -2- 8. MOYDEEN @ MEETHIYAN, AGED59 VELLANI HOUSE, MANALIMUKKU, N.A.D-683 551.
9. ABDU, AGED49 S/O.ALIYAR, ANGILIMOOTILE HOUSE, MANAKKAPPADI N.A.D., COMBARA-683 552.
10. ABDUL SALAM @ VOLVO SALAM, AGED40YEARS S/O.KATHER, PATHANAYATH HOUSE NOW RESIDING AT NALAMMILE, ALUVA-683 555.
11. NASEEMA, AGED45 C/O.ABDUL SALAM @ VOLVO SALAM, PATHANAYATH HOUSE NOW RESIDING AT NALAMMILE, ALUVA-683 555. R1 TO R5 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN R8 BY ADVS. SRI.R.SANJITH SMT.M.M.JASMIN THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON2603-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Mn ...3/- WP(C).No. 7950 of 2014 (P)
- APPENDIX PETITIONERS' EXHIBITS :
----- EXHIBIT P1 TRUE PHOTOCOPY OF THE NOC FROM POLLUTION CONTROL BOARD. EXHIBITP2 TRUE COPY OF THE NOC FROM THE FOREST DEPARTMENT. EXHIBIT P3 TRUE COPY OF THE LICENCE OF THE UNIT FOR THE YEAR 2012 WITH TRANSLATION. EXHIBIT P4 TRUE COPY OF THE LICENCE FEE RECEIPT OF THE PANCHAYATH. EXHIBIT P5 TRUE COPY OF THE LICENCE OF FACTORIES & BOILER DEPARTMENT. EXHIBIT P6 TRUE PHOTOCOPY OF THE NOC FIRE DEPARTMENT. EXHIBIT P7 TRUE PHOTOCOPY OF THE COMPLAINT BEFORE THE2D RESPONDENT DATED163/2014. RESPONDENT(S)' EXHIBITS : NIL ----- //TRUE COPY// P.S. TO JUDGE Mn Manjula Chellur, C.J.

& A.M. Shaffique, J.

----- W.P.(C) No. 7950 OF2014- -----
----- Dated this the 26th day of March, 2014

JUDGMENT

Manjula Chellur, C.J.

Petitioner is before us claiming to be owner of a plywood factory in the name and style "Perfect Plywood" seeking police protection against party respondents. According to petitioner, to extract more amount than what is due by petitioner to 6th respondent, interest is being demanded, therefore he has approached Police, who did not respond to his complaint, hence before this Court.

2. Learned State Attorney submits, there is no dispute whatsoever regarding plywood factory run by the petitioner. The entire dispute seems to be monetary dealings between the petitioner and 6th respondent. According to petitioner, he has paid entire principal amount and the interest payable, but party respondents are demanding more than what is due.

3. We find no crime as such being committed from the allegations made against party respondents. If party WP(C) No. 7950 of 2014 -:2:- respondents were to demand money, they are entitled to approach petitioner and demand money, if money is due from petitioner. If they are attempting to commit any crime or any action by them amounts to any cognizable offence, then alone Police can interfere and do the needful. Under the guise of police protection we cannot stop a person who is legally entitle to recover money without adhering to any criminal action. In the light of above observations, the Writ Petition is disposed of directing the respondent Police to take notice of the complaint by petitioner, if any, only if any criminal action is done by party respondents. They shall not interfere in civil disputes between the parties. Manjula Chellur, Chief Justice. A.M. Shaffique, Judge. ttb/26/03 WP(C) No. 7950 of 2014 -:3:-