

Sunil .N Vs. the State of Kerala

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Court : Kerala

Decided On : May-27-2014

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

Appellant : Sunil .N

Respondent : The 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 P.R.RAMACHANDRA MENON TUESDAY, THE 27TH DAY OF MAY 2014 6TH JYAISHTA, 1936 WP(C).No. 12467 of 2014 (G)
----- PETITIONER(S): ----- SUNIL .N AGED 28 YEARS S/O.NESAN NADAR, PUTHUVILPOTTA VEEDU KARODE PLAMOOTTUKADA P.O, NEYYATTINKARA TALUK THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI.SAJU.S.A RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY THE SECRETARY DEPARTMENT OF HOME SECRETARIAT, THIRUVANANTHAPURAM PIN 695001 2. THE SUPERINTENDENT OF POLICE (THIRUVANANTHAPURAM RURAL) VIKASBHAVAN, THIRUVANANTHAPURAM, PIN 695001.

3. THE SUB INSPECTOR OF POLICE PARASSALA POLICE STATION PARASSALA THIRUVANANTHAPURAM, PIN. 695 502.

4. ANIL KUMAR S/O.SOMASHEKARAN NAIR, ANIL BHAVAN NARIKKODE
CHERIYAKOLLA, KUNNATHUKAL P.O THIRUVANANTHAPURAM PIN695504.

5. ZAKKER AGENT PREMCHAND BETHALA & SONS PANACHAMOODU
VELLARADA, NEYYATINKARA THIRUVANANTHAPURAM, PIN695505. R1 TO
R3 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 27-05-2014, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 12467 of 2014 (G)

----- APPENDIX PETITIONER(S)' EXHIBITS -----
EXT.P1 - TRUE COPY OF THE REGISTRATION CERTIFICATE OF
PETITIONER'S VEHICLE DATED 10-10-2013 EXT.P2 - TRUE COPY OF THE
COMPLAINT DATED 10-05-2014 SUBMITTED BY THE PETITIONER BEFORE 3D
RESPONDENT. EXT.P3 - TRUE COPY OF THE COMPLAINT DATED 12-05-2014
SUBMITTED BY THE PETITIONER BEFORE THE 2D RESPONDENT.
RESPONDENT(S)' EXHIBITS ----- NIL /TRUE COPY/ PS TO
JUDGE MANJULA CHELLUR, C.J & P.R.RAMACHANDRA MENON, J.

----- W.P(C).No. 12467 of 2014
----- Dated this the 27th May, 2014

JUDGMENT

Manjula Chellur, C.J.

Petitioner is before this Court complaining harassment at the hands of respondent police at the instance of party respondents. According to petitioner, on 10.5.2014 he parked his vehicle bearing No.KL-19A-8955 on road side at Edichakka Plamoodu and went to a hotel to have a cup of tea. When he returned, he found his car missing. Immediately he lodged a complaint at Exhibit P1 before third respondent. At about 4 p.m respondents 4 and 5 came to police station in the said car. At that point of time, third respondent directed petitioner to produce original of R.C book and insurance certificate establishing his ownership over the car. According to petitioner, third respondent insisted petitioner to clear the dues of another vehicle KL-08-X2933 which was hypothecated to a finance company for which fifth respondent is the agent. According to petitioner, petitioner had purchased that car from fourth respondent and though petitioner undertook to

WP(C).12467/14 2 repay the dues on the car to the finance company, he had not cleared said loan, but sold the vehicle to another party. Apparently, Maruti car, according to petitioner, is lying in police station.

2. Learned Government Pleader places on record that there was money dispute pertaining to sale of a Maruti Versa car belonging to fourth respondent. A quarrel ensued between fourth respondent and petitioner at the junction of the hotel where he alleged to have had a tea. During said quarrel, petitioner voluntarily handed over key of the car to fourth respondent promising to pay balance amount pertaining to other car to fourth respondent within a short time. Surprisingly, according to fourth respondent, petitioner reported missing of his car, which is a blatant lie.

3. Under these circumstances, third respondent demanded production of original R.C book and papers to establish ownership of petitioner over the Maruti Swift Dezire car. This is harassment, according to petitioner. As a matter of fact, according to learned Government Pleader, petitioner promised to pay fourth respondent all his dues and take the car. However, so far as money dispute between the parties, third respondent cannot WP(C).12467/14 3 intervene. If the car legally belongs to petitioner, he is at liberty to establish his ownership and take the car from police station. With these observations, the Writ Petition is disposed of. MANJULA CHELLUR, CHIEF JUSTICE P.R.RAMACHANDRA MENON, JUDGE vgs27.5.14

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