

Vijayan Vs. State of Kerala

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Court : Kerala

Decided On : Oct-28-2014

Judge : Honourable the Ag.Chief Justice Mr.Ashok Bhushan

Appellant : Vijayan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN & THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE TUESDAY, THE 28TH DAY OF OCTOBER 2014 6TH KARTHIKA, 1936 WP(C).No. 18961 of 2014 (U) ----- PETITIONER(S): ----- VIJAYAN, AGED 52 YEARS S/O.NARAYANAN, R/AT VAYALIL HOUSE, MUNIYARACHAL DEVIYAR COLONY, VALARA POST, ADIMALI - 686 561. BY ADVS.SRI.S.JIJI SMT.K.S.SANTHI RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. THE DISTRICT SUPERINTENDENT OF POLICE, OFFICE OF THE D.S.P., IDUKKI -685 561.

3. CIRCLE INSPECTOR OF POLICE, ADIMALI POLICE STATION, ADIMALI, IDUKKI -685 561.

4. T.DIVAKARAN,, AGED42YEARS KUNNEL HOUSE, 10TH MILE, DEVIYAR COLONY ADIMALI - 685 561.

5. T.L.THOMAS,, AGED45YEARS THALIPARAMBIL HOUSE, 10TH MILE, DEVIYAR COLONY ADIMALI - 685 561.

6. SHAKKEER,, AGED48YEARS KOLLIMOOTTIL HOUSE, 10TH MILE, DEVIYAR COLONY ADIMALI - 685 561.

7. T.SUNIL,, AGED39YEARS KUNNEL HOUSE, 10TH MILE, DEVIYAR COLONY ADIMALI - 685 561.

8. SURESH,, AGED35YEARS MANIMANDIRAM HOUSE, 10TH MILE, DEVIYAR COLONY ADIMALI - 685 561. R4 -R8 BY ADV. SRI.NAIJU RAVINDRANATH R1 TO R3 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON2810-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 18961 of 2014 (U)

----- APPENDIX PETITIONER(S)' EXHIBITS -----

P1: TRUE COPY OF THE CERTIFICATE ISSUED BY THE MEDICAL BOARD.

P2: TRUE COPY OF THE F.I.R REGISTERED FOR THE INCIDENT DATED66/2014. P3: TRUE COPY OF THE COMPLAINT DATED96/2014. P3(A):

TRUE ENGLISH TRANSLATION OF EXT.P3. P4: TRUE COPY OF THE COMPLAINT DATED126/2014. P4(A): TRUE ENGLISH TRANSLATION OF

EXT.P4 P5: TRUE COPY OF THE ACKNOWLEDGEMENT FROM THE CHIEF MINISTERS OFFICE DATED206/2014. P5(A): TRUE ENGLISH TRANSLATION

OF EXT.P5 RESPONDENT(S)' EXHIBITS ----- NIL /TRUE COPY/

PS TO JUDGE ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J

----- W.P(C).No. 18961 of 2014

----- Dated this the 28th October, 2014

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 4 to 8, in view of the order, which is being

passed.

2. By this Writ Petition the petitioner has prayed for a mandamus directing respondents 2 and 3 to afford adequate and effective police protection to the life and limb of the petitioner and his family against the illegal acts of respondents 4 to 8. The petitioner claims to be a physically handicapped person. Allegations have been made that the petitioner was assaulted on 6.6.2014. Complaints were filed thereafter.

3. The learned Government Pleader, after obtaining instruction, submits that there are complaints filed by WP(C).18961/14 2 both the parties against each other and crimes have already been registered against each party.

4. In view of the aforesaid submission, we are of the view that no case has been made out for issuance of any direction as prayed for. However, we observe that in the event any offence is committed or attempted to be committed against the petitioner, it shall be open for the petitioner to submit a complaint before the police authorities, who will look into the matter and take appropriate action. The Writ Petition is disposed of as above. ASHOK BHUSHAN ACTING CHIEF JUSTICE
A.M.SHAFFIQUE JUDGE vgs29/10/14

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