

Geetha Senthilkumar vs State of Kerala,

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Court : Kerala

Decided On : Jan-18-2023

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/24004/2020

Appellant : Geetha Senthilkumar

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
WEDNESDAY, THE 18TH DAY OF JANUARY 2023 / 28TH POUSHA,
1944 PETITIONERS: 1 GEETHA SENTHILKUMAR W/O
SENBTHILKUMAR, SANTHINIVAS, ALLAPRA P.O. 2 SENTHILKUMAR,
S/O PANDYAN, SANTHINIVAS, ALLAPRA P.O. BY ADVS.
A.T.ANILKUMAR SMT.V.SHYLAJA RESPONDENTS: 1 STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA,PIN-682 031. 2 CIRCLE INSPECTOR OF POLICE,
KURUPPAMPADY POLICE STATION, ERNAKULAM DISTRICT, PIN-
683 545 3 SUMESH MADHAV, AGED 45 YEARS S/O MATHEW,
ERADATH HOUSE, THRIKKALATHOOR, ERNAKULAM DISTRICT,

PIN-683 541. SRI.T.K.SHAJAHAN, SR.GP SRI.C.A.NAVAS SRI.T.K.SASIKUMAR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 18th day of January, 2023 This writ petition is filed seeking the following prayers:

A] Issue a writ of mandamus or any other appropriate writ order or direction thereby direct the 2nd respondent not to summon the petitioners to the police station in connection with the complaint submitted by the 3rd respondent through his power holder in Kerala, seeking compensation for the alleged damages caused to a portion of the exported jaggerine blocks and not to harras the petitioners B] Declare that the 2nd respondent has absolutely no right to interfere in the disputes of civil nature and in which strict evidence is required to prove the claims

2. Heard the learned counsel for the petitioners, the learned Government Pleader as well as the learned counsel appearing for the 3 rd respondent.

3. An interim order was passed on 09.11.2020 stating that the

Station House Officer can interfere in private disputes between individuals or groups if the situation for such interference arises. However, it was ordered that the petitioners shall not be summoned to the police station unless their presence is required for the purpose of investigation into any crime registered involving cognizable offence. In the above view of the matter, this writ petition is closed with a direction that in case the presence of the petitioners is required in the police station, appropriate notices shall be issued in accordance with law. Sd/- ANU SIVARAMAN JUDGE NP APPENDIX OF WP(C) 24004/2020 PETITIONERS EXHIBITS EXHIBIT P1 THE TRUE COPY OF THE EXPORT IMPORT LICENSE ISSUED BY THE DIRECTOR GENERAL OF FOREIGN TRADE, GOVERNMENT

OF INDIA DATED 27.8.2015 EXHIBIT P2 THE TRUE COPY OF THE GST REGISTRATION CERTIFICATE OF THE PROPRIETARY CONCERN OF THE 1ST PETITIONER EXHIBIT P3 TRUE COPY OF THE QUOTATION DATED 19.7.2020 EXHIBIT P4 THE TRUE COPY OF THE LAB REPORT REGARDING QUALITY OF THE PRODUCT EXHIBIT P5 TRUE COPY OF THE CERTIFICATE OF SALE FROM THE FEDERATION OF INDIAN EXPORT ORGANIZATION OBTAINED BY THE PETITIONER DATED 29.7.2020 EXHIBIT P6 THE TRUE COPY OF THE PHOTOGRAPHS SHOWING THE SOLID BLOCKS OF JAGGERINE STORED WITH THE GODOWN OF THE PETITIONER EXHIBIT P7 THE TRUE COPY OF THE 1 KILOGRAM PACKETS OF THE JAGGERINE PACKED IN AIR TIGHT POLYETHYLENE PACK EXHIBIT P8 THE TRUE COPY OF THE PHOTOGRAPH OF THE PACKING PROCESS OF THE JAGGERINE EXHIBIT P9 THE TRUE COPY OF THE PHOTOGRAPHS SHOWING THE MANNER IN WHICH THE GOODS ARE STORED IN THE CONTAINER EXHIBIT P10 THE TRUE COPY OF THE BILL OF THE LADING DATED 31.8.2020 RESPONDENTS EXHIBITS EXHIBIT R3 A TRUE COPY OF THE PRIVATE COMPLAINT C.M.P NO FIRST CLASS MAGISTRATE COURT-III, PERUMBAVOOR AND CONNECTED DOCUMENTS

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