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Rijesh vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/25744/2021

Appellant : Rijesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 30TH DAY OF NOVEMBER 2021 / 9TH AGRAHAYANA, 1943 PETITIONER: RIJESH AGED 33 YEARS S/O. JOSY, KUNJELUPARAMBIL HOUSE, MUTHAKUNNAM P.O., PARAVOOR TALUK, ERNAKULAM DISTRICT, PIN-683516. BY ADVS. SAJEEVAN KURUKKUTTIYULLATHIL VISHNU PRABHAKAR V.S. RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY THE HOME SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 THE STATION HOUSE OFFICER, VADAKKEKARA POLICE STATION,

ERNAKULAM DISTRICT, PIN- 683516. 3 THE DISTRICT POLICE CHIEF, OFFICE OF THE DISTRICT POLICE CHIEF, SH 16, OPP.POWER HOUSE,ERNAKULAM DISTRICT, PIN-683101, 4 ASHIK, AGED 22 YEARS S/O. SHYJAN, KALLUVEETTIL HOUSE, MUTHAKUNNAM P.O., PARAVOOR TALUK, ERNAKULAM DISTRICT, PIN-683516. SMT.SURYA BINOY,SR.G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner alleges that he and his family are being threatened by the 4th respondent, against whom he had earlier filed a complaint, which led to Ext.P1 Crime being registered. He says that this infuriated the 4th respondent to such extent, that he is now constantly meting out threats and intimidation to him; and consequently, he approached the 3rd respondent - Superintendent of Police, through Ext.P3, as also the 2nd respondent - Station House Officer, through Ext.P2, seeking protection; but that since no action has been taken thereon, he has been constrained to approach this Court through this writ petition.

2. Sri.Firos.E.S. - learned counsel

appearing for the 4th respondent, however, submitted that every allegation in this writ petition made against his client is untenable and contrary to truth. He added that the real dispute between the parties is with respect to the sale of a motor cycle; and that his client has neither attacked the petitioner nor intents

to do so in future. He, therefore, prayed that this writ petition be dismissed.

3. Smt.Surya Binoy - learned Senior Government Pleader, appearing on behalf of the

official respondents, submitted that, in implicit compliance of the directions of this Court in the interim order dated 18.11.2021, the lives of the petitioner and his family have been afforded adequate and effective protection and that there have been no untoward incidents thereafter.

4. When I consider the afore submissions,

it is clear that there appears to be certain disputes between the petitioner on one side and the 4th respondent on the other, but the parties cannot be allowed to take law into their own hands or to cause harm to each other.

> Resultantly, I order this writ petition and confirm the interim order dated 18.11.2021; with a consequential direction to the 2nd respondent to ensure that law and order is maintained in the area - where the petitioner is residing, without any breach of peace being allowed to be committed by the party respondent or his men or associates in future. Needless to say, I have not considered the merits of the rival disputes of the parties and that all their contentions are left open to be pursued by them, if they are so interested, before any appropriate Forum or Court.

Sd/- DEVAN RAMACHANDRAN JUDGE SAS/30/11/2021 APPENDIX OF WP(C) 25744/2021 PETITIONER EXHIBITS Exhibit P1 A COPY OF THE FIR IN CRIME NO.1001 OF 2021 OF VADAKKEKARA POLICE STATION IN ERNAKULAM RURAL. Exhibit P2 A TRUE COPY OF THE REPRESENTATION DATED 21.10.2021 SENT TO THE 2ND RESPONDENT. Exhibit P3 A TRUE COPY OF THE REPRESENTATION DATED 6.11.2021 SENT TO THE 3RD RESPONDENT.

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