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Sreekanth vs State of Kerala,

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Court : Kerala

Decided On : Feb-28-2019

Judge : Honourable Mr.Justice P.R.Ramachandra Menon,Honourable Mr.Justice N.Anil Kumar

Appeal No. : WP(C)/5245/2019

Appellant : Sreekanth

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON & THE HONOURABLE MR.JUSTICE N.ANIL KUMAR THURSDAY, THE 28TH DAY OF FEBRUARY 2019 / 9TH PHALGUNA, 1940 PETITIONER/S: 1 SREEKANTH, AGED 48 YEARS, S/O.PRABHAKARAN, PRABHALAYAM, 2 SREELATHA, AGED 42 YEARS, W/O.SREEKANTH, PRABHALAYAM, BY ADV. SRI.SANIL JOSE RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY, HOME DEPARTMENT, THIRUVANANTHAPURAM-695001. 2 SUPERINTENDENT OF POLICE, DISTRICT POLICE OFFICE, ALAPPUZHA-688012. 3 THE CIRCLE INSPECTOR OF

POLICE, HARIPAD POLICE STATION, HARIPAD, ALAPPUZHA DISTRICT-690514. 4 AYYAPPAN, AGED 48, KAIPPILLY JEWELLERY, COURT JUNCTION, HARIPAD, ALAPPUZHA DISTRICT-690514. SR.GP SRI.P.P.THAJUDEEN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

JUDGMENT

P.R.Ramachandra Menon, J.

The petitioners have moved this Court alleging harassment by the 3rd respondent in connection with a complaint stated as

preferred by the 4th respondent. The learned counsel for the petitioners submits that there is absolutely no rhyme or reason for the 3rd respondent to summon the petitioners to the police station to settle the dispute with the 4th respondent, which if at all any, is only in connection with a money transaction and nothing else. The apprehension is expressed with reference to Ext.P1 estimate issued by the 4th respondent in connection with the purchase of some jewellery from the shop of the 4th respondent for marriage of the petitioners' daughter, which was held on 1.5.2017.

2. The learned Senior Government Pleader submits, on the

basis of the instructions received, that the issue is mainly connected with the brother of the 1st petitioner by name Prasanth. The said person by name Prasanth had purchased some jewellery (for more than Rupees three lakhs) from the shop of the 4 th respondent on 1.5.2017 but the amount was not fully satisfied. When demand was raised by the 4th respondent, the 4th respondent was allegedly threatened by the brother of the 1st petitioner.

..3..

3. The learned counsel for the petitioners submits that the

said version is not at all correct. However, this Court does not intend to deal with the merits involved in this regard, in so far as there is no case for the respondent/Police that the petitioners are involved in any offence, nor do they require the presence of the petitioners for proceeding with further steps. In the said circumstance, recording the submission made by the learned Senior Government Pleader that the presence of the petitioners is not required by the 3 rd respondent, we dispose of the writ petition without prejudice to the rights and liberties of the Police to proceed with further steps, if at all, any offence is involved, in accordance with law. P.R.RAMACHANDRA MENON, N.ANIL KUMAR, skj ..4.. APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE PHOTOCOPY OF THE ESTIMATION BILL DATED 1.5.2017 ISSUED BY THE 4TH RESPONDENT.

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