

(2021) 06 KL CK 0368
In the High Court Of Kerala
Case No : Writ Petition (C) No. 6017 Of 2020

Ajmal Khan M.S

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 24-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0368

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : R.Satish Kumar, N.B.Sunil Nath, T.C.Suresh Menon, P.S.Appu

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with following prayers:

â??(i) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the respondents 2 and 3 not to harass the petitioner or unnecessary

calling him to the police station, based on any complaint of the 4th respondent in pursuance of Exhibit P1 agreement;

(ii) Such other reliefs as deem fit and proper by this Hon'ble Court in the facts and circumstances of the case.â??

2. When this matter came up for consideration before this Court on 09.03.2020, this Court passed the following order:

â??Issue urgent notice to the 4th respondent by special messenger.

If the dispute is only in the nature of civil dispute, police shall not interfere.

Post on 16.3.2020.â??

3. Thereafter when the matter came up for consideration on 01.12.2020, this Court passed the following order:

â??The learned counsel for the petitioner seeks further time to place on record documents in terms of the order of this Court dated 16.09.2020. List on 11.12.2020 for

further consideration.

It is made clear that the pendency of this writ petition or the interim order granted by this Court will not stand in the way of the police registering crime based on the

complaint made by the wife of the 4th respondent.â??

4. Today, when this writ petition came up for consideration, the counsel for the petitioner raised several arguments based on merits. These are matters

to be agitated before the appropriate authority/court. The writ petition is filed alleging that there is police harassment. The Government Pleader

submitted that a statement is filed on behalf of the 3rd

respondent. The relevant portion of the statement is extracted hereunder:

â??5. It is submitted that though the District Police Chief has received the complaint for further action, no further action has been taken due to the interim order

passed by the Honourable Court in the above Writ Petition not to interfere in the dispute between the parties as it is in nature of civil dispute. It is submitted that the

complaint contains elements of cheating and for the purpose of enquiry, crime has to be registered against the petitioner and others. Therefore, it is respectfully

prayed that this Honourable Court may be pleased to permit the Police to register a crime against the petitioner and proceed in accordance with law.â??

5. The Government Pleader submitted that the complaints submitted contains elements of cheating and for the purpose of enquiry, crime has to be

registered against the petitioner and others. The police officers are free to do in accordance to law. But in the guise of registering case, the police shall

not harass the petitioner. The petitioner is free to approach the criminal court for bail or any other reliefs. I make it clear that the police is free to act in

accordance to the provisions of the Code of Criminal Procedure and the Police Act. I also make it clear that the police shall not harass the petitioner.

With these observations, this writ petition is disposed of.

All other contentions of the petitioner and the contesting respondents are left open.