

(2012) 12 KL CK 0015

In the High Court Of Kerala

Case No : Writ Petition (C) No. 26443 of 2012 (E)

Asha Daleena and Others

APPELLANT

Vs

Sulaikha and Others

RESPONDENT

Date of Decision : 07-12-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 406, 420, 468

Citation : (2013) CriLJ 442

Hon'ble Judges : K.M. Joseph, J;K. Harilal, J

Bench : Division Bench

Advocate : Grashious Kuriakose and George Mathews, for the Appellant; P.C. Iype, A.A.G., by Govt. Pleader and Dhanesh Mathew Manjooran, for the Respondent

Judgement

K.M. Joseph, J.—Petitioners have approached this Court seeking the following reliefs:

- a. Direct respondents 3 to 6 to provide adequate protection for the life and property of the petitioners.
- b. Direct respondent No. 6 to take appropriate action on Ext. P4 representation without delay.

Briefly put, the case of the petitioners is as follows:

Petitioners 1 to 5 are the accused persons 2, 4 to 7 in Crime No. 198/2012 of the Mukkom Police Station, Kozhikode. The allegation is that the first accused Bindu Balan, the mother of petitioners 1, 5 and 6 and mother-in-law of petitioners 2 to 4, collected Rs. 45,00,000/- and 27 sovereigns of gold from the de facto complainant in Crime No. 198/2012, making her to believe that she is having an idol of "Panchaloha" worth several crores and that it belonged to the Royal Family (family of a Thampuran). According to the de facto complainant, some documents related with idol and a cheque for Rs. 2 crores and another for Rs. 12 crores were given and they happened to be dishonoured when presented. Police

have registered the crime under Sections 406, 468 and 420, IPC. Petitioners have not involved in the crime. Petitioners are not in good terms with the first accused Bindu Balan and they have no contact for the last several years. One Smt. Aiysha is working in the office of Wayanad District Police Superintendent. Her sister Sulaikha is a close relative of the defacto complainant and she is maintaining very good relationship with DSP Shri A.V. George through the above said Aiysha. Under the influence of the 2nd respondent and Aiysha, DSP Shri George is taking special interest and is instructing his subordinates including respondents 3 and 4 to torture the petitioners and to disturb the peace of mind and the petitioners are being implicated in false complaints and are called to various police authorities to settle the matter. Further, respondents 1 and 2 are arranging hired goondas and criminals to harass the petitioners. There is threat to the life of the petitioners. Respondents 3 to 6 are not providing police protection in spite of request. Hence the petitioners are before us.

2. We heard the learned senior counsel for the petitioners and the learned Government Pleader. Though served, there is no appearance for the party respondents. Learned senior counsel for the petitioners would submit that the petitioners will co-operate with the investigation, but he highlights the problem about threat to life. After having heard the learned senior counsel for the petitioners and the learned Government Pleader, we dispose of the Writ Petition as follows:

We direct that if the petitioners complain to the third respondent of any threat from respondents 1 and 2 to the life of the petitioners, the third respondent will look into it and if it is found to be genuine, he will provide protection for the life of the petitioners as against respondents 1 and 2 as and when required. We, however, make it clear that this will not stand in the way of the investigation of the crimes against the petitioners in accordance with law. We also make it clear that when the matter comes up before any court, that court will be free to decide the matter untrammelled by anything contained in this Judgment.