

(2023) 01 KL CK 0221

In the High Court Of Kerala

Case No : Writ Petition (C) No. 42243 Of 2022

Cesyl Varghese

APPELLANT

Vs

Station House Officer

RESPONDENT

Date of Decision : 25-01-2023

Acts Referred:

Citation : (2023) 01 KL CK 0221

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

Bench : Single Bench

Advocate : K.Rajesh Kannan

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J.

1. This writ petition is filed with following prayers:

i. That a writ of mandamus or other writ, order or direction be passed directing the 1st respondent not to harass the petitioner by frequently coming to the business place of the petitioner, where the wellness studio is being conducted by the petitioner.

ii. That a writ of mandamus or other writ, order or direction be passed directing the 1st respondent to summon the petitioner if needed for enquiry only after issuing due summons to the petitioner.

iii. Considering the exigencies and necessity for urgent consideration of the grievance voiced in this Writ Petition, production of English translations of documents in vernacular, may kindly be dispensed with for the time being.

iv. That the petitioner be granted such further reliefs as that are appropriate and incidental to this Writ Petition.

(SIC)

2. When this writ petition came up for consideration on 23.12.2022, this Court passed the following order:

"Petitioner to take out notice to the 2nd respondent by speed post.

Post on 17.01.2023.

In the meanwhile, the first respondent shall not interfere in the civil dispute between the parties."

3. Today, when matter came up for consideration, the Government Pleader, after getting instructions, submitted that a case is registered against the petitioner as Crime No.1219/2022 alleging offences punishable under Sections 448, 427, 506 and 34 IPC. The grievance of the petitioner is that the Police has no authority to interfere with the civil dispute. The Government Pleader submitted that the Police will not interfere with the civil dispute; but, the investigation of the case may be allowed to continue in accordance to law.

4. The Police is free to investigate the case in accordance to law, if any criminal offence is made out. But I make it clear that the Police shall not interfere with the civil dispute between the parties.

With the above observation, this writ petition is closed, recording the order dated 23.12.2022.