
(2011) 06 KL CK 0221

In the High Court Of Kerala

Case No : Writ Petition (C) No. 15798 of 2011 (Y)

Hameed Basha

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 20-06-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 06 KL CK 0221

Hon'ble Judges : R. Basant, J;K. Surendra Mohan, J

Bench : Division Bench

Advocate : H. Badaruddin, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—The Petitioner has come to this Court complaining about harassment by the police directed against him at the instance of and on the basis of the alleged statements by the 6th Respondent. According to the Petitioner, the 6th Respondent is a known criminal. He is involved in many crimes. He has animus against the Petitioner. Allegedly on the basis of the statements made by the 6th Respondent, the police officials are harassing the Petitioner. The short prayer of the Petitioner in this petition is that directions under Article 226 may be issued in favour of the Petitioner to ensure that there is no such harassment and vexation meted out to him at the hands of the police officials. He is being unnecessarily called to the police station. Vexatious demands are made on him. He is threatened of physical harm, if he does not comply with the illegal demands of the police. Hence, directions are sought under Article 226 of the Constitution.

2. The learned Government Pleader, after taking instructions from the police officials, submits that there is no question of any vexatious action directed against the Petitioner from the police officials concerned. The 6th Respondent is a known criminal. Interrogation of the 6th Respondent and some others has revealed that stolen vehicles were entrusted by them to the Petitioner herein. The police do want to continue the investigation. At the moment, the Petitioner is

arrayed only as a witness. But the police is considering the question whether the Petitioner has contumaciously and culpably received stolen property and dealt with such property. In this connection the Petitioner has to be interrogated. Steps taken by the police to interrogate the Petitioner cannot be described to be harassment and vexation. By raising such grievance, the Petitioner cannot hope to avoid legal action against the Petitioner, if necessary. The police have no animus against the Petitioner. All actions shall be taken strictly in accordance with law. If the presence of the Petitioner is required in future as a witness by the police, summons/notice in accordance with law shall be issued to him and his presence at the police station shall be so insisted strictly in compliance with all the provisions of law. This undertaking can be accepted. No further directions are necessary in this petition, submits the learned Government Pleader.

3. We have considered all the relevant inputs. The police under law are certainly entitled to conduct a proper investigation. The Petitioner cannot avoid such a proper investigation by describing such steps taken by the police to be acts of harassment. Further, we take note of the grievance of the Petitioner that the Petitioner is being called to the police station not in accordance with law, but in a high handed manner. We accept the submission of the learned Government Pleader that Petitioner need appear before the police, only if proper notice/summons in accordance with law is issued to the Petitioner to appear before the concerned police station.

4. We record and accept the said submission of the learned Government Pleader. No further directions appear to be necessary in these circumstances. This petition is accordingly dismissed with the above observations.