
(2011) 04 KL CK 0091

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 5676 of 2011 (H)

Kunjappan

APPELLANT

Vs

Poulose and Others

RESPONDENT

Date of Decision : 04-04-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 04 KL CK 0091

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

Bench : Division Bench

Advocate : M.P. Chothy, for the Appellant; Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—The Petitioner has come to this Court seeking issue of directions to Respondents 5 and 6 under Article 226 of the Constitution to afford protection to the Petitioner against contumacious, culpable and violent acts on the part of Respondents 1 to 4.

2. The crux of the grievance against the Petitioner as we ascertained the same from the counsel is that crime 502/2010 registered by the Koothattukulam police station at the instance of the Petitioner against the second Respondent herein is not properly investigated by the police. He has a further grievance that crime 579/2010 of the same police station registered against the Petitioner at the instance of the second Respondent is not also properly investigated. In as much as these crimes are not properly investigated, Petitioner is deprived of his right to protection which he is entitled to by Respondents 5 and 6. In these circumstances it is prayed that directions may be issued under Article 226 to Respondents 5 and 6 to afford protection to the Petitioner against any illegal conduct on the part of Respondents 1 to 4.

3. Respondents 1 to 4 have entered appearance through counsel. Counsel denies

all the allegations that have been raised in this petition. According to the learned Counsel the grievances raised against the Respondents by the Petitioner is totally unjustified. At any rate the Petitioner had not earlier staked any claim for police protection before the authorities. Without and before doing that the Petitioner is not entitled to rush to this Court with the claim for police protection, submits the learned Counsel for Respondents 1 to 4.

4. According to the learned Counsel for the Petitioner, the Petitioner did not get sufficient time to approach the police and stake a claim for protection. Two crimes were investigated in such a manner that hurriedly final reports have been filed. In these circumstances there is no merit in the grievance that the Petitioner had not approached the police earlier.

5. The learned Govt. Pleader on behalf of Respondents 5 and 6 submits that after completing the investigation final reports have been filed in both the cases. If the Petitioner has any grievance against the manner in which investigation has been conducted and final reports were filed it is for the Petitioner to raise such objections before the learned Magistrate before whom the final report is filed. The alleged inadequacy in the conduct of investigation cannot entitle the Petitioner for any order of police protection. The learned Govt. Pleader submits that in the perception of the police officials there is no threat to the life of the Petitioner emanating from Respondents 1 to 4. However the learned Govt. Pleader on behalf of Respondents 5 and 6 submits that if there be any threat to the life or person of the Petitioner, the Petitioner shall be at liberty to complain to the sixth Respondent and the complaint if genuine shall receive genuine, prompt and effective attention and action of the sixth Respondent. In these circumstances no specific directions are necessary submits the learned Govt. Pleader.

6. We have considered all the relevant inputs. Grievances, if any against the manner in which investigation is conducted and final reports are filed must certainly be raised before the Magistrate concerned who is dealing with the final reports filed.

7. Maintenance of law and order is the burden of the police. Ordinarily and normally police must be expected to discharge their duty to maintain law and order and to prevent the commission of crimes even without any specific directions of this Court. But in an appropriate case jurisdiction under Article 226 can be invoked to issue such directions. We need only mention that having considered all the relevant inputs in this case we are of the opinion that no specific directions are necessary under Article 226. In coming to this conclusion we heavily rely on the statement of the learned Govt. Pleader on behalf of Respondents 5 and 6 that genuine complaints if any against the threat to the life and person of the Petitioner shall be promptly attended to by the sixth Respondent. No further directions are necessary. In these circumstances accepting the submission of the learned Govt. Pleader on behalf of Respondents 5 and 6 this petition is dismissed.