

(2011) 08 KL CK 0021

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 20829 of 2011 (C)

Kuttan Nair, Sudheesh Mohan and Sadeesh Mohan

APPELLANT

Vs

Circle Inspector of Police and Others

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3)
Penal Code, 1860 (IPC) — Section 294(b), 323, 341, 354, 447

Citation : (2011) 08 KL CK 0021

Hon'ble Judges : Pius C. Kuriakose, J;C.K. Abdul Rahim, J

Bench : Division Bench

Advocate : Iype Joseph, for the Appellant; No. Appearance, for the Respondent

Judgement

Pius C. Kuriakose, J

1. In this Writ Petition under Article 226, the Petitioners complain that Respondents 1 and 2 officers of police are harassing them at the instance of Respondents 3 to 6. According to the Petitioners Respondent No. 2 the Sub Inspector is compelling them to settle a civil dispute which they have with the party Respondents and presently before a competent civil court. On considering this Writ Petition for admission, we directed the learned Government Pleader to seek instructions from Respondents 1 and 2 regarding the correctness of the accusations contained in the Writ Petition against the police. Today Sri.M.R.Sabu, the learned Government Pleader on the basis of instructions from the Respondents 1 and 2 submitted before us that a complaint was filed by the third Respondent against the Petitioner alleging offence under Sections 341, 447, 451, 294(b), 323, 354, 506(2) Indian Penal Code, 1860. The above complaint was forwarded u/s 156(3) Code of Criminal Procedure to the second Respondent and what the second Respondent has done is only to register a crime as Crime No. 660/11. It is in connection with the investigation of that crime which is under investigation that the Petitioners were summoned. There is No. harassment.

2. Sri. Iype Joseph, the learned Counsel for the Petitioner would however,

reiterate the allegations in the Writ Petition and submit that the second Respondent is insisting that a civil suit filed by the Writ Petitioner against the party Respondents be withdrawn.

3. Having considered the rival submissions addressed at the Bar, we do not find any ground to issue the directions sought for. We permit the second Respondent to expedite the investigation of Crime No. 660/11 and to file final report without delay. The Petitioners shall co-operate with the Investigating Officer in the matter of investigation. The second Respondent, however, is informed that it is outside his domain to settle the civil disputes especially when they are pending before the competent civil courts.