

(2023) 07 KL CK 0094

In the High Court Of Kerala

Case No : Writ Petition (C) No.20193 Of 2023

Mathrubhumi Printing And Publishing Company Ltd

APPELLANT

Vs

Station House Officer

RESPONDENT

Date of Decision : 12-07-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 91, 482

Citation : (2023) 07 KL CK 0094

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

Bench : Single Bench

Advocate : Sruthy K.K, P.Vijaya Bhanu, P.M.Rafiq, M.Revikrishnan, Ajeesh K.Sasi, Sruthy N. Bhat, Rahul Sunil, Nikita J. Mendez, Rajeev Jyothish George

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with the following prayers:

"i) Issue a writ of mandamus or such other writ, order or direction commanding the respondents not to harass the petitioners in connection with the registration of Exhibit P4 FIR against the petitioners.

ii) Issue a writ of mandamus or such other writ, order, or direction commanding the 4th respondent to urgently intervene and take appropriate steps on Exhibit P6 and P14 Complaint.

iii) Issue any other appropriate writ, order, or direction which as the petitioners prays later and this Hon'ble Court may deem fit and necessary to issue in the interest of justice.

iv) Dispense with the English Translations of the Exhibits produced in vernacular language in the Writ Petition."[SIC]

2. The main prayer in this writ petition is to issue a direction to the respondents

not to harass the petitioners in connection with the registration of Ext.P4 FIR. The second prayer in this writ petition is to issue a direction to the 4th respondent to urgently intervene and take appropriate steps on Exts.P6 and P14 complaints.

3. Heard the learned Senior counsel who is instructed to appear for the petitioners and the learned Government Pleader.

4. The learned Senior counsel who appeared for the petitioners reiterated the contentions raised in this writ petition. The Senior counsel submitted that the petitioners were not arrayed as accused in the criminal case. It is submitted that, notices were issued to the petitioners continuously to produce certain documents. Petitioners are not even in a position to approach this Court under Section 482 Cr.P.C to quash the proceedings because they were not implicated as the accused. The Senior counsel submitted that, there may not be any harassment from the police towards the petitioners. The learned Government Pleader seriously opposed these submissions of the learned Senior counsel. The Government Pleader submitted that a case is registered by the police and the investigation is going on. As per Section 91 of the Cr.P.C., the police authorities has got every right to issue notice and summons to produce documents in connection with the case registered. The notices issued are only in connection with the case already registered as evident by Ext.P4. The Government Pleader submitted that there is absolutely no harassment from the side of the police towards the petitioners.

5. This Court considered the contentions of the petitioners and the respondents. When the Government Pleader submit before this Court on behalf of the respondents that, there is absolutely no harassment from the side of the police towards the petitioners, I think no further order is necessary. The first petitioner is the Mathrubhumi Printing & Publishing Company Ltd. represented by its General Manager. Petitioner Nos.2 to 5 are the Executive Editor, Unit Manager, Camera Man and Reporter of the Channel attached to the first petitioner, respectively. Sixth petitioner is the driver of the Channel on contract basis. Petitioners have got a grievance that there is continuous police harassment towards them. Petitioners submitted Exts.P6 and P14 before the 4th respondent. I am of the considered opinion that, there may not be any grievance to the media persons regarding the police harassment. The 4th respondent should look into Exts.P6 and P14 and give an opportunity of hearing to an authorised representative of the petitioners and take appropriate action in accordance with law.

Therefore, this writ petition is disposed of in the following manner:

- i. The submission of the Government Pleader that there is no police harassment from the side of respondents 1 to 3 and the police is only doing their duties in accordance with the provisions of the Criminal Procedure Code is recorded.
- ii. The 4th respondent will look into Exts.P6 and P14 and take appropriate steps

in accordance with law after giving an opportunity of hearing to a representative of the petitioners, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment.

iii. I make it clear that the police is free to continue with the investigation based on Ext.P4 FIR and take appropriate steps in accordance with law.

iv. If any notice is issued by the police authorities in connection with Ext.P4 FIR, the petitioners will co-operate with the police.