
(2010) 09 KL CK 0338

In the High Court Of Kerala

Case No : Writ Petition (C) No. 18721 of 2010 (M)

Mohammed Rafeeq, Abdul Rasheed, Raisudeen and Ummer
Roshil Jaan

APPELLANT

Vs

The Superintendent of Police and Others

RESPONDENT

Date of Decision : 08-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0338

Hon'ble Judges : T.R. Ramachandran Nair, J;K.M. Joseph, J

Bench : Division Bench

Advocate : R. Sudhish, for the Appellant; M. Sasindran, for the Respondent

Judgement

K.M. Joseph, J.—Petitioners have approached this Court seeking the following relief:

to issue a writ of mandamus, or any other appropriate writ, direction or order directing respondent 1 to provide adequate police protection to the life of the petitioner and his family members against the illegal acts made by the respondents 4 to 7 and their henchmen.

2. Briefly put, the case of the petitioners is as follows: The Ist petitioner wanted to buy 22 cents of land. The 4th respondent as a broker and neighbor of the property approached the Ist petitioner. Thereafter, the Ist petitioner entered into an agreement for sale with Mr. Nazar. The Ist petitioner came to know that they are trying to cheat him by showing the forged sale agreement. The actual power of attorney holder is some other person. The Ist petitioner told the 4th respondent to give back the money and after several talks and other person's involvement as mediators the 4th respondent gave back the money. Thereafter, the Ist petitioner purchased the property from the exact power of attorney holder. Knowing the purchase of the said property, the 4th respondent approached the Ist petitioner and demanded Rs. 13,000/- per cent as broker fees and threatened him by saying that if he did not give the money he will

manhandle and he will not allow the petitioner to use the said property. There is allegation of manhandling on 21.3.2010 and damaging of the car. Petitioners filed earlier writ petition and after recording settlement the case was withdrawn. It is stated that even after the settlement respondents 4 to 7 attacked the 1st petitioner. Hence the writ petition.

3. A counter affidavit has been filed by respondents 4 to 7. They would deny the allegations. It is their case that the 5th respondent was brutally attacked and manhandled by the petitioners and their henchmen and he was hospitalized. The car which was driven by the 5th respondent was also destroyed. It is stated that in order to overcome the said act, the petitioners have come with the present story. It is stated that police has not registered any crime against the petitioners on account of money power and political influence. Hence respondent No. 5 was constrained to move a private complaint before the Judicial First Class Magistrate Court, Kasaragode. Petitioners have filed reply affidavit.

4. Learned Government Pleader would submit that actually crime has been registered against respondents 6 and 7. In view of the apprehension of the petitioners and the registration of crimes also we dispose of the writ petition as follows: As and when petitioners bring to the notice of 3rd respondent any threat to their lives from respondents 4 to 7 or any of them, the 3rd respondent will look into the same and if the complaint of threat is found to be genuine, he shall afford adequate police protection to the lives of the petitioners as against any threat from respondents 4 to 7 or such of them who are found to be holding out threat to the petitioners. We make it clear that if the matter comes up before any forum in a lis between the parties, the said forum will proceed to decide the matter untrammelled by anything contained in this judgment.