
(2018) 01 KL CK 0045
In the High Court Of Kerala
Case No : 39652 of 2017

RESHMA

APPELLANT

Vs

THE DIRECTOR GENERAL OF POLICE & ORS.

RESPONDENT

Date of Decision : 16-01-2018

Acts Referred:

Citation : (2018) 01 KL CK 0045

Hon'ble Judges : K.Vinod Chandran, Ashok Menon

Bench : Division Bench

Advocate : AJAYA KUMAR. G, P.P.THAJUDDIN

Final Decision : Dismissed

Judgement

1. The petitioner approaches this Court for police protection against respondents 4 to 10. The petitioner is the wife of the 4th respondent. There is no love lost between them and the relationship has been irretrievably broken. They are residing separately for more than a year and a half.

According to the petitioner, the 4th respondent had borrowed money from several persons as well as from Kudumbasree unit and Co-operative

Bank to meet his personal needs. Respondents 5 to 10 are some of the persons from whom the 4th respondent had borrowed amounts. It is stated

that on complaints filed by some of the borrowers, the 3rd respondent summoned the petitioner over phone asking her to reach the police station

and sign certain documents in favour of the borrowers. Thereafter, the borrowers also approached the residence of the petitioner and started

threatening her with intention to extort money. The 5th respondent abused her and even threatened to outrage her modesty. The petitioner filed a

complaint before respondents 1 and 2 as evidenced by Exts.P1 to P4. Apart from

threats over the phone, respondents 5 to 10 are also posting defamatory matters on social media against the petitioner. She apprehends threat to her life and reputation at the hands of the party respondents.

Due to the political clout exercised by respondents 5 to 10, the police authorities remain indolent, and hence, this petition requesting specific

direction to respondents 1 to 3 to afford sufficient and meaningful protection to the life of the petitioner and to take appropriate action against the

party respondents and their henchmen.

2. The Sub Inspector of Police, Kollam, before whom the petitioner filed Ext.P5 complaint, was impleaded as additional 11th respondent. The

Senior Government Pleader appearing for respondents 1 to 3 and 11, submitted a statement by the 3rd respondent.

3. The learned Counsel for the petitioner and the Senior Government Pleader were heard. Documents perused.

4. The learned Government Pleader has, under instructions, submitted that the petitioner was residing with the 4th respondent and was active

member and President of Sivasailam Self Financial Group. She fell in love with another person named Anoop and eloped with him on 24-11-

2017. Her husband, 4th respondent, filed a complaint and a case was registered under Section 57 of the Kerala Police Act for man missing. She

was subsequently traced out and produced before the Judicial First Class Magistrate Court-I, Harippad. A marriage certificate evidencing her

marriage with Anoop was produced by her. And she was set at liberty. A complaint was received by the police from the office bearers of

Sivasailam Micro Financing Group on 26-11-2017 stating that the petitioner had misappropriated a sum of Rs.2,31,000/- from the fund of the

micro finance and utilised it for herself. The said complaint is pending enquiry and investigation. It is stated that the present petition is filed only as a

cover-up to defend herself against the allegations raised in the complaint filed against her. Some of the borrowers approached the petitioner at her

rented accommodation and the house owner forced her to vacate the premises.

5. We do not find any reason to exercise the extra-ordinary jurisdiction of this Court to grant police protection to the petitioner, who intends to use

the order of this Court to defend herself from her alleged misdeeds. Specific criminal complaint has been filed against her, which is under

investigation and the police authorities cannot be prevented from investigating the same, which may involve even questioning her. In the present petition, the petitioner is not only seeking police assistance, against the persons, who had raised complaints against her, but also accuses the 3rd respondent of unnecessarily harassing her by calling her over phone asking her to reach the police station and settle the dispute with the complainants. We find no reason to issue any positive directions to respondents 1 to 3 and 11. With the above observation, the Writ Petition is dismissed. No costs.