

(2010) 12 KL CK 0077

In the High Court Of Kerala

Case No : Writ Petition (C) No. 35803 of 2010 (A)

T.K. Joseph

APPELLANT

Vs

The Superintendent of Police and Others

RESPONDENT

Date of Decision : 17-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0077

Hon'ble Judges : M.C. Hari Rani, J;K.M. Joseph, J

Bench : Division Bench

Advocate : Ajith Murali, for the Appellant; V. Ajith Kumar, for the Respondent

Judgement

K.M. Joseph, J.—Petitioner has approached this Court seeking the following relief:

Issue a writ of mandamus or any other appropriate writ, order or direction commanding Respondent Nos. 1 and 4 to provide adequate police protection to the life and property of the Petitioner from the threat of the Respondent No. 5 and his hirelings.

2. Briefly put, the case of the Petitioner is as follows:

Petitioner and his wife were working abroad. The fifth Respondent was entrusted to look after their properties. The sixth Respondent is the wife of the fifth Respondent. They realised when they came back that Respondents 5 and 6 with the intention to cheat the Petitioner and his wife, received a total amount of Rs. 1,10,00,000/= through their Bank Accounts believing them to purchase tourist buses and properties in their name and thereby misappropriated and utilised the said amount for the purpose of Respondents 5 and 6. Respondents 5 and 6 also created some forged documents for this purpose. A Crime was registered against Respondents 5 and 6 and the fifth Respondent was arrested and subsequently both Respondents 5 and 6 were released on bail. Now, there is allegation of threat to the life of the Petitioner.

3. A Counter Affidavit is filed by Respondents 5 and 6, denying the allegations.

Learned Counsel for the party Respondents would submit that conditions are imposed in the order of granting bail and they are being followed and the allegation of threat by them is not correct, and the intention of the Petitioner is to get an WP (C). 35803/2010 A 3 order from this Court and to make use of it to get the order of bail cancelled.

4. Learned Government Pleader would submit that two Crimes are registered against Respondents 5 and 6 and at present, there is no threat to the life of the Petitioner.

5. Having heard the learned Counsel appearing for the parties, we dispose of the Writ Petition as follows:

We record the submission of the learned Counsel for Respondents 5 and 6 that Respondents 5 and 6 do not have any intention to threaten the life of the Petitioner. Besides recording the same, also we direct that in the unlikely event of the Petitioner being constrained to complain before the third Respondent any threat to his life by Respondents 5 and 6, the third Respondent shall look into it and after enquiry, if the threat is found to be genuine, he shall afford protection to the life of the Petitioner as against Respondents 5 and 6. We also make it clear that if the matter comes up in any lis between the parties before the competent court, the said court shall proceed to decide the same untrammelled by anything contained in this Judgment.