



2025:KER:12581

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 14TH DAY OF FEBRUARY 2025 / 25TH MAGHA, 1946

WP(C) NO. 3578 OF 2025

PETITIONER/S:

AFSER BABULLA KAZHUNGIL MOIDUTTY
AGED 46 YEARS
S/O. LATE MOIDUTTY, IVY COVE, GRAMATHUVAYAL,
KALPETTA P.O, WAYANAD DISTRICT, PIN - 673121

BY ADVS.
K.P.SUDHEER
P.ANIRUDHAN

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 STATE POLICE CHIEF
STATE POLICE HEADQUARTERS, VELLAYAMBALAM,
THIRUVANANTHAPURAM -, PIN - 695010
- 3 DISTRICT POLICE CHIEF
DISTRICT POLICE OFFICE, UP HILL, MALAPPURAM, PIN -
676505
- 4 VINOD VALIYATTOOR
INSPECTOR OF POLICE, KOTTAKKAL POLICE STATION,
KOTTAKKAL, MALAPPURAM DISTRICT,, PIN - 676503
- 5 RAZIYA
D/O. KAMMALI, PRESENTLY RESIDING AT KAZHUNGIL
HOUSE, KOTTAKKAL, CHANGUVETTY POST, MALAPPURAM
DISTRICT, PIN - 676503
- 6 ABDUL GAFOOR



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S/O. RAZIYA, PRESENTLY RESIDING AT KAZHUNGIL HOUSE,
KOTTAKKAL, CHANGUVETTY POST, MALAPPURAM DISTRICT,
PIN - 676503

BY ADV RESMI A.
GP SRI.AJITH VISWANATHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



C.S.DIAS, J.

WP(C) No.3578 of 2025

Dated this the 14th day of February, 2025

JUDGMENT

The writ petition is filed to direct the 4th respondent not to interfere in the civil disputes between the petitioner and the respondents 5 and 6.

2. There are disputes between the petitioner and the respondents 5 and 6 pertaining to the estate of the petitioner's late father. The 4th respondent, the Station House Officer of the Kotakkal Police Station, in collusion with the respondents 5 and 6, is pressurizing the petitioner to settle the property disputes with the respondents 5 and 6. The 4th respondent had issued Ext.P8 notice to the petitioner, when the petitioner complained about the 4th respondent's high handed action to the 2nd respondent. Apprehending arrest at the hands of the 4th respondent, the petitioner had filed B.A.No.855/2025 before this Court for an order of pre-arrest bail. The petitioner has also submitted a complaint



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to the 2nd respondent pointing out the illegalities of the 4th respondent. Despite the complaint, the 4th respondent had convened a meeting on 19.01.2025 to settle the disputes between the petitioner and the respondents 5 and 6. The action of the 4th respondent is illegal and high handed. Hence, the writ petition.

3. Heard; the learned counsel for the petitioner and the learned Government Pleader. Even though notice has been served on the respondents 5 and 6, there is no appearance for them.

4. The learned Government Pleader submitted that, the Station House Officer has informed him that the disputes between the petitioner and the respondents 5 and 6 are civil in nature. The Station House Officer has no intention to interfere in the disputes between the parties.

5. The learned counsel for the petitioner submitted that, the Station House Officer is none other than the 4th respondent. Therefore, unless this Court directs the 4th respondent not to interfere in the matter,



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he would continue to harass the petitioner.

On a consideration of the facts and the materials on record, particularly taking into consideration the submission made by the learned Government Pleader, that the disputes between the parties are civil in nature, I direct the 4th respondent not to interfere in the disputes between the petitioner and respondents 5 and 6.

The writ petition is ordered accordingly.

Sd/-

C.S.DIAS, JUDGE

rkc/14.02.25

APPENDIX OF WP(C) 3578/2025

PETITIONER EXHIBITS

- EXHIBIT P 1 TRUE COPY OF JUDGMENT DATED 8.5.2015 IN WP(C) NO. 14173/2015 PASSED BY THIS HONOURABLE COURT
- EXHIBIT P 2 TRUE COPY OF THE JUDGMENT DATED 16.11.2018 IN WP(C) NO. 29780/2018 PASSED BY THIS HONOURABLE COURT.
- EXHIBIT P 3 TRUE COPY OF JUDGMENT DATED 15.3.2023 IN MFA (MHA) NO. 100/2019 PASSED BY THIS HONOURABLE COURT.
- EXHIBIT P 4 TRUE COPY OF FIRST INFORMATION REPORT IN CRIME NO. 24/2025 DATED 9.1.2025 OF KOTTAKKAL POLICE STATION.
- EXHIBIT P 5 TRUE COPY OF COMMUNICATION ISSUED BY THE PETITIONER TO THE STATION HOUSE OFFICER, KOTTAKKAL POLICE STATION THROUGH EMAIL DATED 30.11.2024.
- EXHIBIT P 6 TRUE COPY OF COMPLAINT SUBMITTED BY THE PETITIONER THROUGH EMAIL ON 13.1.2025.
- EXHIBIT P 7 TRUE COPY OF THE NOTICE DATED 13.1.2025 (WRONGLY SHOWN AS 13.1.2015) ISSUED ON BEHALF OF THE PETITIONER TO THE STATION HOUSE OFFICER, KOTTAKKAL POLICE STATION.
- EXHIBIT P 8 TRUE COPY OF NOTICE ISSUED BY INSPECTOR OF POLICE, KOTTAKKAL POLICE STATION UNDER SEC. 35(3) OF BNSS, 2023 TO THE PETITIONER.
- EXHIBIT P 9 TRUE COPY OF O.P. NO. 24/2023 FILED BY THE 6TH RESPONDENT AND HIS WIFE BEFORE THE FAMILY COURT, TIRUR.
- EXHIBIT P 10 TRUE COPY OF O.S. NO. 21/2023 DATED 28.2.2023 FILED BY THE 6TH RESPONDENT BEFORE THE SUBORDINATE JUDGE'S COURT, TIRUR.
- EXHIBIT P 11 TRUE COPY OF ORDER DATED 31.1.2023 ISSUED



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BY THE JFCM, MALAPPURAM IN CMP NO.
292/2023 IN M.C. NO. 16/2023.

- EXHIBIT P 12 TRUE COPY OF COMMUNICATION DATED
20.1.2025 ISSUED FROM THE OFFICE OF THE
2ND RESPONDENT
- EXHIBIT P 13 TRUE COPY OF WRITTEN STATEMENT DATED
21.7.2023 FILED IN O.S. NO. 21/2023
BEFORE THE SUBORDINATE JUDGE'S COURT,
TIRUR.
- EXHIBIT P 14 TRUE COPY OF FIRST INFORMATION REPORT
DATED 19.10.2021 IN CRIME NO. 895/2021 OF
PERINTHALMANNA POLICE STATION.