

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

WP(C) NO. 20193 OF 2023

PETITIONERS:

- 1 THE MATHRUBHUMI PRINTING & PUBLISHING COMPANY LTD
MATHRUBHUMI BUILDINGS, K.P. KESAVA MENON ROAD
KOZHIKODE-673001 REPRESENTED BY ITS GENERAL MANAGER
ANAND G, AGED 53 YEARS, S/O M.V. GOPALAKRISHNAN,
FLAT-A55, 7TH FLOOR, KAILASH APARTMENTS, GOVINDAPURAM
KOZHIKODE, PIN - 673016
- 2 RAJEEV DEVARAJ
AGED 48 YEARS
S/O. C.V.DEVARAJAN 'RITHU', KARA-F1, ALATHARA
SREEKARYAM, THIRUVANATHAPURAM, WORKING AS
EXECUTIVE EDITOR, MATHRUBHUMI NEWS,
THIRUVANANTHAPURAM, PIN - 695035
- 3 JAGADISH.G
AGED 47 YEARS
S/O. K.P GANGADHARN, 3C, LEXUS QUEEN APARTMENTS,
THANA, KANNUR, WORKING AS UNIT MANAGER MATHRUBHUMI
KANNUR, PIN - 670012
- 4 SHAJU K.V
AGED 38 YEARS
S/O. P.V. GOVINDAN, KANNAMKULAM HOUSE,
KADANNAPPALLI P.O., PILATHARA, KANNUR, WOKING AS
CAMERAMAN MATHRUBHUMI NEWS, KANNUR, PIN - 670012
- 5 FELIX
AGED 29 YEARS
S/O. FRANCIS SALU, PULIKKAL HOUSE, NADUVIL P.O.,
KANNUR, WORKING AS REPORTER, MATHRUBHUMI NEWS,
KANNUR, PIN - 670012
- 6 ASLAM K.T
AGED 40 YEARS
S/O U. HUSSAINAR, RAZIYAS HOUSE, NARATH,
KOLACHERY, KANNUR, PIN - 670601

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BY ADVS.
SRUTHY K.K
P.VIJAYA BHANU (SR.)
P.M.RAFIQ
M.REVIKRISHNAN
AJEESH K.SASI
SRUTHY N. BHAT
RAHUL SUNIL
NIKITA J. MENDEZ

RESPONDENTS :

- 1 THE STATION HOUSE OFFICER
CHEVAYUR POLICE STATION, KOZHIKODE CITY,
PIN - 673012
- 2 THE DEPUTY SUPERINTENDENT OF POLICE
KOZHIKODE
OFFICE OF THE DEPUTY SUPERINTENDENT OF
POLICE, K.P. KESAVA MENON ROAD, MANANCHIRA
KOZHIKODE, PIN - 673001
- 3 THE DISTRICT POLICE CHIEF, KOZHIKODE
PAVAMANI ROAD, KOZHIKKODE, PIN - 673004
- 4 THE DIRECTOR GENERAL OF POLICE & STATE
POLICE CHIEF
KERALA POLICE HEADQUARTERS
THIRUVANANTHAPURAM, PIN - 695010

BY ADV.RAJEEV JYOTHISH GEORGE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 12.07.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J.

W.P.(C)No.20193 of 2023

Dated this the 12th day of July, 2023

JUDGMENT

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

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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

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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

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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

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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

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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.

DM

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

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APPENDIX OF WP (C) 20193/2023

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF THE 1ST PETITIONER COMPANY TO APPOINT ANAND G., GENERAL MANAGER, AS THE LEGAL REPRESENTATIVE OF THE COMPANY
- EXHIBIT P2 TRUE COPY OF THE NOTICE DATED 06.05.2023 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P3 A TRUE COPY OF THE REPLY LETTER DATED 08.05.2023 SENT BY THE 3RD PETITIONER
- EXHIBIT P4 TRUE COPY OF THE FIR IN CRIME NO.322/2023 OF CHEVAYUR POLICE STATION
- EXHIBIT P5 TRUE COPY OF THE NOTICE DATED 13.05.2023 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED 15.05.2023 MADE BY THE 2ND PETITIONER BEFORE THE 4TH RESPONDENT
- EXHIBIT P7 TRUE COPY OF THE NOTICE DATED 25.05.2023 UNDER SECTION 91 CR.PC BY THE 1ST RESPONDENT
- EXHIBIT P8 TRUE COPY OF THE REPLY DATED 26.05.2023 MADE BY THE 4TH

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PETITIONER

EXHIBIT9 TRUE COPY OF THE REPLY NOTICE DATED
29.05.2023 SENT BY THE 2ND
PETITIONER

EXHIBIT P10 TRUE COPY OF THE NOTICE DATED
06.06.2023 SENT TO THE 3RD
PETITIONER THROUGH WHATSAPP BY THE
1ST RESPONDENT

EXHIBIT P11 A TRUE COPY OF THE REPLY DATED
08.06.2023 SENT BY THE 3RD
PETITIONER

EXHIBIT P12 TRUE COPY OF THE NOTICE DATED
06.06.2023 SENT TO THE 2ND
PETITIONER BY THE 1ST RESPONDENT

EXHIBIT P13 TRUE COPY OF THE REPLY DATED
08.06.2023 SENT BY THE 2ND
PETITIONER

EXHIBIT P14 TRUE COPY OF THE REPRESENTATION
DATED 09.06.2023 PREFERRED BY THE
MANAGING DIRECTOR OF THE 1ST
PETITIONER COMPANY BEFORE THE 4TH
RESPONDENT

RESPONDENTS EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE