

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 3<sup>RD</sup> DAY OF APRIL 2023 / 13<sup>TH</sup> CHAITHRA, 1945

WP (CRL.) NO. 202 OF 2023

PETITIONER:

ASIF AZAD  
AGED 30 YEARS  
DARUSSALAM  
PARAYATHUKONAM P.O  
KIZHUVILAM, PIN - 695104

BY ADV ASIF AZAD (Party-In-Person)

RESPONDENTS:

- 1 UNION OF INDIA  
REPRESENTED BY JOINT SECRETARY,  
MINISTRY OF HOME AFFAIRS, NORTH BLOCK,  
NEW DELHI, INDIA, PIN - 110001
- 2 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031
- 3 VP JOY  
CHIEF SECRETARY, CHIEF SECRETARY OFFICER,  
GOVERNMENT OF KERALA, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 4 TK JOSE  
HOME SECRETARY, ROOM NO. 357,  
MAIN BLOCK, GOVERNMENT OF KERALA,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 5 PK ARAVINTHA BABU  
LAW SECRETARY, ROOM NO. 375,  
MAIN BLOCK, GOVERNMENT OF KERALA,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

- 6 K R JYOTHILAL  
SECRETARY, GENERAL ADMINISTRATION,  
ROOM NO. 394, MAIN BLOCK,  
GOVERNMENT OF KERALA, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 7 ANIL KANT  
DIRECTOR GENERAL OF POLICE,  
POLICE HEAD QUARTERS, VELLAYAMBALAM CITY,  
THIRUVANANTHAPURAM, PIN - 695010
- 8 MANOJ ABRAHAM  
ADDITIONAL DIRECTOR GENERAL OF POLICE,  
POLICE HEAD QUARTERS, VELLAYAMBALAM CITY,  
THIRUVANANTHAPURAM, PIN - 695010
- 9 VIJAY S SAKHARE  
ADDITIONAL GENERAL OF POLICE (LAW AND ORDER),  
POLICE TRAINING COLLEGE,  
NEAR GOVERNMENT GUEST HOUSE, THYCAUD,  
THIRUVANANTHAPURAM, PIN - 695014
- 10 SHAIK DARVESH SAHEB  
ADDITIONAL DIRECTOR GENERAL OF POLICE (CRIME BRANCH),  
CRIME BRANCH OFFICE, EANCHAKKAL,  
THIRUVANANTHAPURAM, PIN - 695008
- 11 KRISHNAKUMAR B  
SUPERINTENDENT OF POLICE, SPECIAL CELL,  
STATE POLICE HEAD QUARTERS, VELLAYAMBALAM CITY,  
THIRUVANANTHAPURAM, PIN - 695010
- 12 G SPARJAN KUMAR  
COMMISSIONER OF POLICE,  
OFFICE OF THE COMMISSIONER OF POLICE,  
POLICE GROUND, CV RAMAN PILLAI RD, THYCAUD,  
THIRUVANANTHAPURAM, PIN - 695014
- 13 R NISHANTHINI  
DEPUTY GENERAL OF POLICE, IG OFFICE,  
TRIVANDRUM RANGE, BAKERY JUNCTION ROAD,  
NANDAVANAM, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695034
- 14 DIVYA V GOPINATH  
SUPERINTENDENT OF POLICE,  
OFFICE OF THE DISTRICT POLICE CHIEF,  
THIRUVANANTHAPURAM RURAL POLICE,  
UNIVERSITY OF KERALA SENATE HOUSE CAMPUS,

PALAYAM, THIRUVANANTHAPURAM, PIN - 695033

- 15      A NASIM  
DEPUTY COMMISSIONER OF POLICE,  
OFFICE OF THE COMMISSIONER OF POLICE,  
POLICE GROUND, CV RAMAN PILLAI ROAD,  
THYCAUD, THIRUVANANTHAPURAM, PIN - 695014
  
- 16      BABU  
SUB INSPECTOR OF POLICE,  
THUMBA POLICE STATION,  
CITY-THIRUVANANTHAPURAM, PIN - 695022
  
- 17      AJESH V  
CIRCLE INSPECTOR OF POLICE,  
THUMBA POLICE STATION,  
CITY-THIRUVANANTHAPURAM, PIN - 695022
  
- 18      ANIL KUMAR  
ASSISTANT COMMISSIONER OF POLICE,  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
  
- 19      MANOJ  
CIVIL POLICE OFFICER,  
MANNANTHALA POLICE STATION  
THIRUVANANTHAPURAM, KERALA, INDIA, PIN - 695015
  
- 20      JYOTISH U  
SUB INSPECTOR OF POLICE,  
ATTINGAL POLICE STATION, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
  
- 21      RAJESH KUMAR  
CIRCLE INSPECTOR OF POLICE,  
ATTINGAL POLICE STATION, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
  
- 22      JIBI  
SUB INSPECTOR OF POLICE,  
ATTINGAL POLICE STATION, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
  
- 23      NISAM  
CIVIL POLICE OFFICER-6580,  
ATTINGAL POLICE STATION, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101

- 24 AJITH KUMAR  
CIVIL POLICE OFFICER-3316,  
ATTINGAL POLICE STATION, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
- 25 SHAFI  
ASSISTANT SUB INSPECTOR OF POLICE,  
ATTINGAL POLICE STATION, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
- 26 ANIL KUMAR  
PUBLIC RELATION OFFICER,  
ATTINGAL POLICE STATION, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
- 27 GITA GOPALAKRISHNAN  
CHIEF LEGAL OFFICER, TECHNOPARK,  
KAZHAKOOTTAM, THIRUVANANTHAPURAM, PIN - 695582
- 28 BINU SREEDEVI  
CIVIL POLICE OFFICER,  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
- 29 JINU JU  
SUB INSPECTOR OF POLICE,  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
- 30 PRAVEEN JS  
CIRCLE INSPECTOR OF POLICE,  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
- 31 VISHNU  
SUB INSPECTOR OF POLICE,  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
- 32 BALRAM KUMAR UPADHYAY  
COMMISSIONER OF POLICE,  
OFFICER OF THE COMMISSIONER OF POLICE,  
POLICE GROUND, CV RAMAN PILLAI RD,  
THYCAUD, THIRUVANANTHAPURAM, PIN - 695014

- 33 BIJU U  
CIRCLE INSPECTOR OF POLICE,  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
- 34 GOPAKUMAR G  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
- 35 HARI CS  
ASSISTANT COMMISSIONER OF POLICE,  
KAZHAKOOTTAM POLICE STATION,  
POST OFFICE ROAD, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM, PIN - 695582
- 36 SUNEESH BABU  
DEPUTY SUPERINTENDENT OF POLICE,  
ATTINGAL DYSP OFFICE, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
- 37 RAJESH  
ASSISTANT SUB INSPECTOR OF POLICE,  
ATTINGAL DYSP OFFICE, ATTINGAL,  
THIRUVANANTHAPURAM, PIN - 695101
- 38 ROBERT FRANCIS  
JOINT SECRETARY,  
CHIEF MINISTERS COMPUTER CELL,  
4TH FLOOR, NORTH BLOCK,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, KERALA, PIN - 695001

BY ADV S.MANU, DSGI

SRI.P.NARAYANAN, PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON  
17.03.2023, THE COURT ON 03.04.2023 DELIVERED THE FOLLOWING:

"C.R."

**BECHU KURIAN THOMAS, J.**

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**W.P.(Cr1.) No.202 of 2023**  
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Dated this the 3<sup>rd</sup> day of April, 2023

**JUDGMENT**

Since the reliefs claimed for in this writ petition are curious, the same are extracted at the threshold itself. They are:

*"1. To issue any order in favour of the petitioner for the facts, reasons and circumstances stated in the accompanying petitions, it is most respectfully prayed that this Hon'ble High Court may graciously pass a writ of mandamus directing the respondent no.1 and 2 to suspend respondent no.3 to 38, public servants, from their official duties due to their undue influence, for violating the Constitution of India, for disobeying the directions of law and for the violation of oath.*

*2. To issue any order in favour of the petitioner for the facts, reasons and circumstances stated in the accompanying petitions, it is most respectfully prayed that this Hon'ble High Court may graciously pass a writ of mandamus to be issued to direct the Registrar of the High Court to not intervene in the rights guaranteed by the Constitution and to register the writ petitions based on their merits and substance, without being influenced by nomenclature or prayer.*

*3. To allow this petition with cost."*

2. Respondents 3 to 38 are public servants. They include the Chief Secretary, the Home Secretary, the Law Secretary, the Director General

of Police, the Additional Director Generals of Police and various Police Officers of different ranks. As evident from relief No.1, petitioner requires the Union Government and the State Government to suspend these officers. As far as relief No.2 is concerned, petitioner desires for a direction to the Registrar of this Court not to intervene in the rights guaranteed by the Constitution and to register the writ petitions based on their merits without being influenced by the nomenclature or the prayers.

3. Petitioner alleges that respondents 3 to 38 are influencing others to destroy his life and is even deceiving this Court multiple times. Supporting his claim, it is alleged that, petitioners signature has been forged in some government security documents and respondents 3 to 38 had disobeyed the directions of law and violated his fundamental rights. Petitioner also alleges that respondents 3 to 15 and 35 and 36 are influencing others and destroying the course of justice. Allegations are levelled against Government Pleaders of this Court alleging that they are arguing for the accused and pointing out defects. The pleadings also refer to the petitioner noticing the influence of respondents 3 to 38 even inside this Hon'ble Court when he saw government pleaders arguing for accused. Exhibit P3 affidavit filed by the petitioner in another writ petition- W.P (CrI) No. 719/2022 is also produced, wherein wanton allegations have been levelled against a government pleader. Though

detailed pleadings have been made, there is no reference to any specific act as committed by respondents 3 to 38 for even seeking directions to suspend them.

4. A reading of the pleadings in the writ petition reveals nothing but vagueness, insufficient to grant any of the reliefs sought for. Despite the abstruse nature of the pleadings, it is revealed that petitioner has filed W.P.(C) No.22643 of 2022, CrI.Rev.Pet. No.761 of 2022, W.P.(C) No. (filing No.) 37719 of 2022 and W.A. No.41 of 2023, which according to him, as is pleaded in paragraph 1, are all similar matters. Notwithstanding the filing of earlier writ petitions for the same relief, being a bar on subsequent writ petitions, petitioner, who appeared as party-in-person, insisted on this writ petition being allowed.

5. Shorn of all the confusing and unnecessary factual narratives in the pleadings to the writ petition, petitioner makes wanton allegations against the respondents. Though petitioner repeatedly alleges in his pleadings that respondents 3 to 38 have failed to act according to the duty bestowed upon them, no material is produced to justify such allegations. Aimless allegations are raised against public functionaries without any supporting material.

6. Ext.P2 is an order dismissing a complaint filed by the petitioner against respondents 3 to 38 herein and others, who are arrayed as accused 1 to 48. The learned Magistrate, after considering the statement

on oath given by the complainant and based on the materials produced before it, came to the conclusion that there are no sufficient grounds to proceed against the accused therein. Ext.P1 is the affidavit filed in support of CrI.Rev.Pet. No.761 of 2022, which is preferred against the order in Ext.P2.

7. When the petitioner has initiated a challenge against Ext.P2, which he is legally entitled to, filing this writ petition with the nature of reliefs sought amounts to abuse and misuse of the provisions of Article 226 of the Constitution of India.

8. As far as relief No.2 is concerned, the petitioner during his arguments submitted that the Registry of this Court had noted defects on the petitions filed by him and such noting of defects is affecting his rights guaranteed under the Constitution.

9. This Court is unable to comprehend how the defects noted by the Registry of this Court in the writ petitions filed can be attributed with allegations of violating fundamental rights. One of the functions bestowed upon the Registry is to scrutinize the petitions filed before the Court. Rule 15 and Rule 50 of the Kerala High Court Rules 1971 confer power upon the Registry to notice defects if any, in the petitions or applications filed before the Court.

10. As mentioned earlier, the reliefs claimed by the petitioner are odious and repugnant to the orderly filing of writ petitions. The proclivity

to file writ petitions without any basis and to threaten the system into ridicule cannot be permitted under any count. Access to justice, though a fundamental right, cannot be extended to a right to prefer misconceived and frivolous petitions. The nature of reliefs claimed for and the nebulous pleadings are indicative of absence of any particular right of the petitioner having been infringed.

11. Apart from the above, in the absence of violation of any specific right, a person cannot approach this Court under Article 226 of the Constitution of India. The nature of pleadings and the reliefs claimed for reveals that the writ petition is filed on an experimental basis and in bad taste. The manner in which the petitioner has raised his pleadings in the writ petition and the nature of reliefs sought compels this Court to visit the petitioner with costs as a disincentive for indulging in such frivolous writ petitions.

12. In this context the observation of the Supreme Court in **Dr. Buddhi Kota Subbarao v. K Parasaran and Others** [(1996) 5 SCC 530] is pertinent to be borne in mind. It was observed therein that "*No litigant has a right to unlimited drought on the courts time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a license to file misconcieved or frivolous petitions*".

13. In the above circumstances, I find no merit in this writ

petition. Due to the frivolous nature of this writ petition, it is dismissed with costs of Rs.25,000/- payable by the petitioner to the Kerala Legal Services Authority. If the costs imposed are not paid by the petitioner within 30 days from today, the Kerala Legal Services Authority shall be entitled to initiate proceedings to recover the same by resorting to appropriate steps in accordance with law.

The writ petition is dismissed.

Sd/-

**BECHU KURIAN THOMAS**  
**JUDGE**

vps

APPENDIX OF WP (CRL.) 202/2023

PETITIONER'S/S' EXHIBITS

- Exhibit P 1                      PHOTOCOPY OF CRL.M.APPL 1/2023 IN CRL.REV.PET  
761/2022 DATED 16.02.2023
- Exhibit P 2                      PHOTOCOPY OF THE ORDER IN CMP 1467/2022 OF  
HONOURABLE JUDICIAL FIRST-CLASS MAGISTRATE  
COURT 5, THIRUVANANTHAPURAM DATED 20.10.2022
- Exhibit P 3                      PHOTOCOPY OF IA 3/2023 IN WP(CRL) 719/2022  
DATED 21.01.2023