



2024/KER/218

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

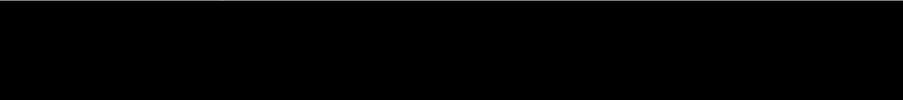
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 4TH DAY OF JANUARY 2024 / 14TH POU SHA, 1945

WP(CRL.) NO. 1349 OF 2023

PETITIONER:

ROHITH GIRI, AGED 32 YEARS



BY ADVS.
PRAVEEN.H.
G.HARIHARAN
K.S.SMITHA
AMAL DEV D
T.T.SHANIBA
SNEHA M.S.
ABHIJITH E.R.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE HOME
DEPARTMENT,
GROUND FLOOR, MAIN BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
- 2 THE STATE POLICE CHIEF,
STATE POLICE HEADQUARTERS,VELLAYAMBALAM,
CITY-THIRUVANANTHAPURAM - 695 010.
- 3 THE SHO NILAMBUR POLICE STATION
GUDALUR ROAD, NILAMBUR P.O,
MALAPPURAM, PIN - 679 331.
- 4 THE SHO WANDOOD POLICE STATION
THRIKKALANGODU, THIRUVALI WANDOOD KALIKAVU ROAD,
WANDOOD, MALAPPURAM, PIN - 679 328.
- 5 THE SHO VAZHAKKAD POLICE STATION
VAZHAKKAD P.O, MALAPPURAM, PIN - 673 640.
- 6 THE SHO NADAKKAVU POLICE STATION
KANNUR ROAD, WEST NADAKKAVU, VELLAYIL,
KOZHICODE, PIN - 673 011.
- 7 THE SHO, PANTHEERANKAVU POLICE STATION
PANTHEERANKAVU, KERALA, PIN - 673 019.
- 8 SUGESH S





9 SUNIL KUMAR K., AGED 43 YEARS

[REDACTED]

10 SINDHU T P

[REDACTED]

11 SIYAD KUNJU M

[REDACTED]

12 SALEEM ALI MULLAPALLALI

[REDACTED]

13 AJMAL THALIPAATTU

[REDACTED]

14 ZAKARIYA E

[REDACTED]

15 ABDUL RAUF K P.,

[REDACTED]

16 ABDUL NAZAR K

[REDACTED]

17 RAFEEQUE A,

[REDACTED]

18 ABDUL ASEES O P,

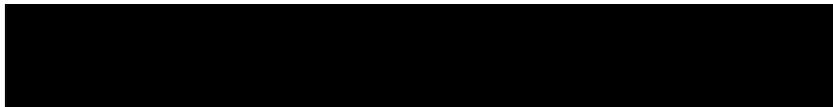
[REDACTED]

19 AKBAR K

[REDACTED]



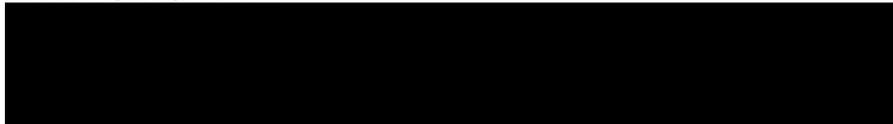
20 **NAVAF P**



21 **NASIB P**



22 **FAYIS MOIDEEN**



23 **SHAUKATH ALI T**



SRI. C.S. HRITHWIK (PP)

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 04.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



BECHU KURIAN THOMAS, J

.....

W.P.(Crl).No.1349 of 2023

.....

Dated this the 4th day of January, 2024

JUDGMENT

Petitioner seeks for the direction commanding the State Police Chief to issue directions to prevent registration of any further FIRs against the petitioner on the same set of facts as in Ext.P2. Petitioner also seek for a direction to the 1st respondent to ensure the issuance of Section 41A notices under the Code of Criminal Procedure, 1973 instead of immediate arrest in any subsequent crime on the basis of complaints from respondents 8 to 23.

2. Petitioner claims to be a resident of Uttar Pradesh and is entangled in several criminal complaints across the State. He alleges that respondents 8 to 23 are intending to harass the petitioner by registering several FIRs throughout the length and breadth of the State. Despite various FIRs already filed by them, final report has been filed only in



respect of one of the crimes, and that registration of further FIRs on the basis of the same set of facts is contrary to law as held by the Supreme Court in the decision in *T.T.Antony v. State of Kerala & Ors.* (2001) 6 SCC 181.

3. Sri.Praveen Hariharan, the learned counsel for the petitioner, contended that the attempts of respondents 8 to 23 is only to harass the petitioner and to compel him to enter into settlement with the said respondents. He submits that further registration of the FIR on the same set of facts is contrary to law, and therefore, petitioner will be subjected to great prejudice, if repeated FIRs are filed.
4. Sri.C.S.Hrithwik, the learned Public Prosecutor, on the other hand, contended that the arms of the Investigating officer cannot be bound by general orders to be issued invoking the jurisdiction under Article 226 of the Constitution of India, especially since the petitioner is only apprehending the registration of FIR on the basis of complaints that may be filed by respondents 8 to 23.
5. Having heard the learned counsel for the petitioner as well



as the learned Public Prosecutor and on a perusal of the pleadings in the writ petition, I am satisfied that the reliefs claimed cannot be granted.

6. Petitioner require this Court to issue a general direction not to register any FIR on the basis of alleged similar set of facts in Ext.P2. It is too premature to assume that respondents 8 to 23 may file complaints against the petitioner based on similar set of facts. Those are purely within the realm of assumptions and apprehensions.
7. Jurisdiction under Article 226 of the Constitution of India cannot be invoked to issue blanket directions against registration of a crime. Time and again, the Supreme Court as well as this Court have deprecated the practice of issuing general directions, especially with respect to investigation and registration of FIRs. Each FIR will have to be appreciated on the basis of the allegations therein.
8. If the petitioner is entitled to claim the benefit of the dictum laid down in *T.T.Antony's case* (supra), or any other position of law, the same is to be done as and when crimes



are registered.

Accordingly, I find no merit in the writ petition, and the same is dismissed.

sd/-

BECHU KURIAN THOMAS
JUDGE

AMV/04/01/2024

**APPENDIX OF WP(CRL.) 1349/2023****PETITIONER EXHIBITS**

- EXHIBIT P1** A TRUE COPY OF THE FIR IN CRIME NO. 91/2022 OF PANTHEERANKAVU POLICE STATION DATED 08/02/2022.
- EXHIBIT P2** A TRUE COPY OF THE WITNESS SCHEDULE IN CC 84/2023 BEFORE THE JFCM III KOZHIKODE DATED 13/01/2023.
- EXHIBIT P2(A)** A TRUE COPY OF THE WITNESS STATEMENTS IN CC 84/2023 BEFORE THE JFCM III KOZHIKODE DATED NIL.
- EXHIBIT P3** A TRUE COPY OF THE FIR IN CRIME NO. 988/2023 AT NILAMBUR POLICE STATION DATED 5/09/2023.
- EXHIBIT P4** A TRUE COPY OF THE FIR IN CRIME NO. 909/2023 AT WANDOOD POLICE STATION DATED 10/11/2023.
- EXHIBIT P5** A TRUE COPY OF THE FIR IN CRIME NO. 801/2023 AT VAZHAKKAD POLICE STATION DATED 3/10/2023.
- EXHIBIT P6** A TRUE COPY OF THE FIR IN CRIME NO. 1091/2023 AT NADAKKAVU POLICE STATION DATED 12/09/2023.
- EXHIBIT P7** A TRUE COPY OF INTERIM ORDER DATED 18/12/2023 IN BAIL APPLICATION NO.7998/2023 WITH RESPECT TO CRIME NO. 988/2023 OF NILAMBUR POLICE STATION.
- EXHIBIT P8** A TRUE COPY OF INTERIM ORDER DATED 18/12/2023 IN BAIL APPLICATION NO. 11067/2023 WITH RESPECT TO CRIME NO. 909/2023 OF WANDOOD POLICE STATION.



EXHIBIT P9 A TRUE COPY OF INTERIM ORDER DATED
18/12/2023 IN BAIL APPLICATION
NO.11064/2023 WITH RESPECT TO CRIME
NO. 801/2023 OF VAZHAKKAD POLICE
STATION

EXHIBIT P10 A TRUE COPY OF INTERIM ORDER DATED
18/12/2023 IN BAIL APPLICATION NO.
11084/2023 WITH RESPECT TO CRIME NO.
1091/2023 OF NADAKKAVU POLICE STATION

EXHIBIT P11 A TRUE COPY OF THE SAID ORDER PASSED
IN CRL MC NO. 1306/2022 BY THE
SESSIONS COURT, KOZHIKODE, DATED
10/08/2023

TRUE COPY