

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

Crl.MC.No. 6022 of 2015 ()

CRIME NO. 685/2015 OF HARBOUR POLICE STATION , ERNAKULAM

PETITIONER :

SMITHA M.S. AGED 37 YEARS
W/O.LATE PREMANANDAN K., COCHIN PORT TRUST
STAFF QUARTERS NO.C2/342, RNAS AREA, W/ISLAND
COCHIN-682003.

BY ADVS.SRI.M.G.SREEJITH
SRI.ASHOK SURESH

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
HARBOUR POLICE STATION
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.

R BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

AV

K.RAMAKRISHNAN, J.

Crl.M.C.No.6022 of 2015

Dated this the 10th day of September, 2015

ORDER

This petition has been filed by the petitioner, who is the wife of the deceased, to issue a direction to the respondent to handover the key of the quarters to the petitioner under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short).

2. It is alleged in the petition that, the petitioner is the widow of late Premanandan.K. The petitioner's husband late Premanandan was working as a Fork Lift Driver in Cochin Port Trust. He was allotted a quarters of the Port Trust where, according to the petitioner, he was living with the petitioner and their children. He committed suicide on 09.07.2015 from the said quarters in Wellington Island. After death of the petitioner's husband, her parents took her to her parental home at Calicut. The respondent namely, The Sub Inspector of Police, Harbour Police Station registered a crime as Crime No.685/2015 in connection with the suicide committed by Premanandan, under Section 174 of Cr.P.C. When the petitioner returned to the quarters, it was found that the same was locked and the key was with the respondent investigating officer. They are not handing over the key to her. Her valuable documents and belongings are inside the quarters. So she must get an access to the quarters to get back those articles and documents.

The investigating officer is not giving the key for that purpose. Hence the petition.

3. Heard the learned counsel for the petitioner and the respondent, represented by the learned Public Prosecutor Smt.Sareena George.

4. The learned counsel for the petitioner submitted that, after the suicide committed by her husband, the quarters was closed and they are not handing over the key of the quarters to her. Unless a direction is given, they will not handover the same.

5. On the other hand, the learned Public Prosecutor submitted that, there was dispute between the relatives of the deceased Premanandan and the petitioner. Those relatives raised objection that, if key is handed over to the petitioner, she is likely to remove all the belongings of the deceased Premanandan, which she is not entitled to. They also insisted that, she can be permitted to take her belongings only in their presence. This was intimated to the petitioner as well. Though she was agreeable for the same, she did not come, but moved this Court. They submitted that, they are not able to hand over the key because of the dispute between them.

6. It is an admitted fact that, the deceased Premanandan was working as a Fork Lift Driver in Cochin Port Trust and he was allotted a quarters of the Port Trust in Wellington Island. The petitioner is the wife of the deceased. Even according to the petitioner, after the

death of the deceased, she was taken to her parental house and a crime was registered as Crime No.685/2015 of Harbour Police Station, Kochi under Section 174 of Cr.P.C. and investigation is still in progress. It is seen from the submissions made by the learned Public Prosecutor that, there arose disputes between the relatives of the deceased Premanandan on the one side and the petitioner on the other side regarding the entitlement of the articles kept inside the quarters. In order to arrive at a settlement regarding those aspects, they wanted to call the both parties. The relatives of the deceased Premanandan submitted before the investigating officer that, the documents or articles belong to the petitioner, if any, can be permitted to be taken by the petitioner only in their presence.

7. In view of the fact that, there is dispute regarding the articles kept inside the quarters between the relatives and that, the investigation is in progress regarding the suicide committed by the deceased, the investigating officer is perfectly justified in not handing over the key by himself to the petitioner as claimed by her. The petitioner is at liberty to appear before the investigating officer in the presence of the relatives of Premanandan. The undisputed belongings of the petitioner can be removed from the quarters, if both the parties co-operate with the investigating officer, with whom key of the building is now kept after taking orders from the Revenue Divisional Officer concerned. But if there is no such possibility, then

the petitioner is at liberty to move the Revenue Divisional Officer, before whom the case records are pending, for permission to open the quarters and to take her belongings. If such an application is filed, the concerned Revenue Divisional Officer is at liberty to pass appropriate orders in that application, in accordance with law.

With the above directions and observations, this petition is disposed of.

Sd/-
K.RAMAKRISHNAN, JUDGE.

AV