

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Crl.MC.No. 7067 of 2015

CRIME NO. 1080/2015 OF PARAPPANGADI POLICE STATION, MALAPPURAM

PETITIONER(S):

ASHRAF, AGED 43 YEARS,
S/O.ABDUL RAHMAN, CHATHERI HOUSE, N.C.C ROAD,
NEDUVA P.O, PARAPPANANGADY, MALAPPURAM,
REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER AND BROTHER C.SIDDIQUE,
S/O.ABDUL RAHMAN, CHATHERI HOUSE, N.C.C ROAD,
NEDUVA P.O, PARAPPANANGADY, MALAPPURAM.

BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.ASWIN.P.JOHN

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.
2. DISTRICT POLICE CHIEF,
MALAPPURAM DISTRICT, MALAPPURAM-676319.
3. SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION,
MALAPPURAM DISTRICT-676319.
4. ABDUL GAFOOR,
S/O.MUHAMMEDKUTTY, KONGANTE CHERUPURAKKAL HOUSE,
CHETTIPPADI P.O, PARAPPANANGADY 676 319.
5. MUHAMMEDKUTTY,
KONGANTE CHERUPURAKKAL HOUSE, CHETTIPPADI P.O,
PARAPPANANGADI 676 319.
6. P.SUBAIR, S/O.POKKU BAVA, POKKUVINTE PURAKKAL,
CHETTIPPADI P.O, PARAPPANANGADI 676 319.

R1-3 BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1. COPY OF THE JUDGMENT DATED 5.7.12 IN WPC 15164/12.

ANNEXURE 2. COPY OF THE REPRESENTATION DATED 16.6.15 SUBMITTED BY THE PETITIONER.

ANNEXURE 3. COPY OF THE JUDGMENT DATED 29.9.15 IN WPC 18335/15.

ANNEXURE 4. COPY OF THE EMAIL SENT BY THE PETITIONER TO RESPONDENTS 2 AND 3.

ANNEXURE 5. COPY OF THE REFER CHARGE NOTICE DATED NIL IN RESPECT OF CRIME NO. 1080 OF 2015 OF PARAPPANANGADI POLICE STATION.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No. 7067 of 2015
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Dated this the 1st day of December, 2015

ORDER

Through W.P.(C) No.18335/2015, the petitioner, who is the defacto complainant in Crime No.1080/2015 of the Parappanangady Police Station, had approached this Court for getting the crime investigated expeditiously. The District Police Chief had reported in that case that he had directed the investigating officer to expedite the investigation and to file progress reports in the matter on a regular basis. By recording the said statement, this Court had closed the said writ petition through Annexure 3 judgment.

2. The present complaint of the petitioner is that within three days of Annexure 3 judgment of this Court, the investigating officer had filed the final report in the matter before the court below and had issued notice to the petitioner with regard to the refer report. That is under

challenge here.

3. On hearing the learned counsel for the petitioner and on perusing the Crl.M.C. this Court is satisfied that presently there is nothing to be interfered with by this Court. At the same time, the petitioner can approach the court below with an application under Section 173(8) Cr.P.C. by challenging the refer report, and by seeking an order for further investigation in the matter. In case the court below is not inclined for such a course, it is open to the petitioner to file a protest complaint in the matter, whereby the court below shall proceed with the matter under Sections 200 and 202 Cr.P.C. In such case also, if any investigation is required, the court below can direct the police to investigate the matter by way of an inquiry under Section 202 Cr.P.C.

With the above observations, this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge