

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

OP(Crl.).No. 166 of 2015 (Q)

CC 968/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - 1, KOTTARAKKARA

PETITIONER/DEFACTO COMPLAINANT :

**A.PUSHPAKUMARI, AGED 56 YEARS,
W/O.MOHANAN NAIR, RESIDING AT SREEDARSHANA,
SREEBHADRA NAGAR 99, ULIYAKOIL, KOLLAM DISTRICT**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, REPRESENTING
THE SUB INSEPCTOR OF POLCIE, EZHUKONE POLICE STATION,
KOLLAM DISTRICT - PIN -**
- 2. THE SUPERINTENDENT OF POLICE(RURAL)
KOLLAM, KOLLAM DISTRICT**
- 3. THE SUB INSPECTOR OF POLICE,
EZHUKONE POLICE STATION, KOLLAM DISTRICT**

**R1 TO R3 BY GOVERNMENT PLEADER
SRI. DHANESH MATHEW MANJOORAN**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

P1:- TRUE COPY OF THE COMPLAINT DTD 24/2/2011,BEFORE THE 2ND RESPONDENT.

P1(A):-TRUE COPY OF THE COMPLAINT DTD 27/2/2011 BEFORE THE 2ND RESPONDENT.

P1(B):-TRUE COPY OF THE COMPLAINT DTD 8/3/2011 BEFORE THE 2ND RESPONDENT.

P1(C):-TRUE COPY OF THE COMPLAINT DTD 14/3/2011 BEFORE THE 2ND RESPONDENT.

P1(D):-TRUE COPY OF THE COMPLAINT DTD 23/6/2011 BEFORE THE 2ND RESPONDENT.

P1(E):-TRUE COPY OF THE COMPLAINT DTD 24/9/2011 BEFORE THE 2ND RESPONDENT.

P1(F):-TRUE COPY OF THE COMPLAINT DTD 8/10/2011 BEFORE THE 2ND RESPONDENT.

EXT P2:-TRUE COPY OF THE FIR DTD 2/3/2011 IN CRIME NO 216/2011

P3:- TRUE COPY OF THE FINAL REPORT DTD 10/4/2011 IN CRIME NO 216/2011.

P4:- TRUE COPY OF THE REPORT FILED BY THE 2ND RESPONDENT DTD 7/3/2011.

P5:- TRUE COPY OF THE INTERIM ORDER DTD 2/4/2012 IN WA NO 257/2011.

P6:- TRUE COPY OF THE COMMON JUDGMENT DTD 23/7/2012 IN WA 257/2011 AND 262/2011

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. ABRAHAM MATHEW, J.

O.P.(CRL) No.166 of 2015

Dated this the 3rd day of June, 2015

O R D E R

The petitioner lodged a complaint alleging that the former Manager of the school in which she was working as Principal misbehaved towards her. On the basis of the complaint, the police registered a case, Crime No.216/2011 of Ezhukone Police station. After investigation, the investigating officer has filed the final report. The offence mentioned in the final report is Section 509 of Indian Penal Code. The prayer is to direct the second respondent to order further investigation.

2. Heard.

3. The case is being tried in the Magistrate Court as CC.968/2011. The only allegation in the complaint on the basis of which the final report was filed is that the accused abused the petitioner. The investigation revealed that the accused committed the offence under section 509 of Indian Penal Code only. The submission of the learned Public Prosecutor is that the accused had committed other offences also, for which there was no investigation. This

cannot be accepted. In the complaint on the basis of which the case was registered only the offence under Section 509 of Indian Penal Code was mentioned. It is true that the petitioner filed complaints later alleging commission of some other offences that cannot be clubbed with the complaints filed earlier. There is no rule for any complaint. The request is unreasonable.

In the result, this O.P (Crl) is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge

