

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WA.No. 731 of 2015 () IN WP(C).33406/2014

AGAINST THE JUDGMENT IN WP(C) 33406/2014 DATED 15-12-2014

APPELLANT(S) (PARTY IN PERSON)/PETITIONER IN W.P.[C] :-

R.M.MURALEEDHARAN, AGED 42,
S/O.RAMAKRISHNANUNNI, MURALEE BHAVAN, CHAMAMANGALAM
MAYITHARA MARKET.P.O., ALAPPUZHA DISTRICT.

BY ADV. R.M.MURALEEDHARAN (PARTY-IN-PERSON)

RESPONDENT(S)/RESPONDENTS IN W.P[C] :-

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.
3. SUB INSPECTOR OF POLICE
MARARIKULAM POLICE STATION, THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
4. SANTHOSH, S/O.PRABHAKARAN NAIR, POOCHAL VEEDU
MUHAMMA PANCHAYATH, WARD NO.15, ALAPPUZHA DISTRICT
PIN-688 001.

R1-R3 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.731 of 2015

Dated this the 29th day of June 2015

J U D G M E N T

Shaffique, J

This writ appeal is filed against the judgment dated 15.12.2014 in W.P.(C) No.33406 of 2014. The petitioner, who is aggrieved by the dismissal of the aforesaid writ petition has come up in the appeal.

2. The appellant (hereinafter referred to as the 'petitioner') was an accused in Crime No.761 of 2012 of Mararikulam Police Station. The offences registered are under Secs.447, 324 and 326 of IPC. During the investigation, the offence under Sec.326 IPC was deleted. The petitioner sought for a mandamus directing the 2nd respondent to conduct a comprehensive enquiry to find out the truth of the allegations made in the said crime. The learned Single Judge, after referring to the factual issues involved in the case, noticed that a final report has already been filed before the Magistrate Court and in such circumstances, there is no reason for issuing any direction as prayed for. Accordingly, the writ petition was closed without

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prejudice to the right of the petitioner to file proper proceeding, challenging the final report itself in the crime, if he is aggrieved by the final report.

3. The appellant has appeared in person. According to him, the allegation was that he has sprayed acid on the face of the de facto complainant, which is now found to be incorrect in the final report by deleting Sec.326 of IPC. Under such circumstances, there is no reason to proceed with the trial of the case.

4. Learned Government Pleader on instructions would submit that the final report has been filed and the matter is pending before JFMC-I, Alappuzha as C.C.No.386 of 2014.

5. Under such circumstances, any further orders in this regard can only be passed by the Magistrate. The petitioner will have to take appropriate steps before the Magistrate Court either for seeking discharge or for an early disposal of the case.

With the above observation, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE