

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WA.No. 2393 of 2015

JUDGMENT DATED 15-06-2015 IN WP(C) 17880/2015
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APPELLANT(S)/PETITIONER:

**SINAJ M.A., AGED 37 YEARS,
S/O.ABDUL SALAM, MADUKOLIPARAMPIL, PALAMPRA P.O.,
PATTIMATTOM, KANJIRAPPALLY, KOTTAYAM DISTRICT.**

BY ADV. SRI.ESM.KABEER

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.**
- 3. MR.SHINTO P.KURIAN,
SUB INSPECTOR OF POLICE, KANJIRAPPALLY-686 507.**
- 4. MR.MADHU,
CIRCLE INSPECTOR OF POLICE, KANJIRAPPALLY-686 507.**
- 5. SUPERINTENDENT OF POLICE,
KOTTAYAM-686 001.**

**R1, R2 & R5 BY SPECIAL GOVERNMENT PLEADER
SRI.SREEJITH MATHEW JOSE**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

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

W.A. No.2393 of 2015

Dated this the 11th day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard.

2. This writ appeal has been filed by the petitioner against the judgment dated 15.6.2015 in W.P.(C) No.17880 of 2015. The petitioner had filed the writ petition seeking for the following reliefs :-

- “(i) To call for the records for Exhibit P1 to P3 and to issue a Writ of Mandamus directing to conduct an enquiry against the 3rd respondent through a Superior Officer not below the rank of a Superintendent of Police.
- (ii) To issue any order or direction to the 2nd respondent to consider and dispose P3 complaint as expeditiously as possible.
- (iii) To issue any writ order or direction to the 3rd and 4th respondents to pay compensation to the petitioner to the tune of Rs.25,00,000/- for the physical and mental torture.”

The allegations raised in this writ petition were made against the 3rd respondent, Sub Inspector of Police. The petitioner's case is that he was called at the police station and he was manhandled. The petitioner submits that a complaint, Ext.P3, has also been filed by him.

3. The learned Single Judge closed the writ petition noticing the submission of the learned Government Pleader that the petitioner was called at the Station since a complaint was received from his mother. A mediation was attempted, which did not materialise.

4. Learned counsel for the appellant submits that the petitioner is always taking care of his mother and it is due to some difference of opinion between the petitioner's wife and his mother, his mother has gone out. He submits that he is still ready to look after his mother. It is further submitted that he was manhandled by the 3rd respondent, for which, a complaint had already been filed by him.

5. The learned Single Judge, after noticing the submission of the learned Government Pleader that the petitioner was called only for attempting a mediation, the writ petition was closed. We do not find any error in the judgment of the learned Single Judge in closing the writ petition. There is no dispute that the mother of the petitioner had already filed a complaint, in which, a crime has also been registered. The petitioner is already granted bail in that case.

-: 3 :-

6. In so far as the allegation against the 3rd respondent is concerned, since the petitioner had already filed a complaint, it is for the higher authority to look into such a complaint and take appropriate action, if required.

With the above observation, this writ appeal is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M. SHAFFIQUE
JUDGE**