

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 2184 of 2015 (W)

PETITIONER:

**N.RAMACHANDRAN NAIR, AGED 51 YEARS
S/O.NEELAKANTA PILLAI, PONNUMANGALAM VEEDU, PERAPPOORU
PATHIRAPPALLY WARD, KUDAPPANAKKUNNU VILLAGE
MUKKOLA P.O., THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENTS:

- 1. THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, VAZHUTHACAUD
THIRUVANANTHAPURAM - 695 014.**
- 2. DISTRICT POICE CHIEF
THIRUVANANTHAPURAM RURAL
THIRUVANANTHAPURAM - 695 001.**
- 3. ASSISTANT COMMISSIONER OF POLICE
DCRB, THIRUVANANTHAPURAM - 695 001.**
- 4. THE CIRCLE INSPECTOR OF POLICE
PEROORKKADA, THIRUVANANTHAPURAM-695031.**
- 5. SUB INSPECTOR OF POLICE
MANNANTHALA POLICE STATION
THIRUVANANTHAPURAM DISTRICT-693101.**

R1-R5 BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1. PHOTOCOPY OF THE FIR IN CRIME NO.224/2012 OF THE MANNANTHALA POLICE STATION.
- EXHIBIT P2. TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 23.09.2013 FOR FURTHER INVESTIGATION.
- EXHIBIT P3. TRUE COPY OF THE ORDER NO.D1/57390/13TC DATED 21.11.2013.
- EXHIBIT P4. TRUE COPY OF THE CHARGE SHEET IN CC 519/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THIRUVANANTHAPURAM ARISING FROM CRIME NO.224/2012 OF THE MANNANTHALA POLICE STATION.
- EXHIBIT P5. A TRUE COPY OF THE REPRESENTATION DATED 08.12.2014 SUBMITTED BY PETITIONER TO THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

W.P.(C) No.2184 of 2015

Dated this the 12th day of February, 2015

JUDGMENT

The writ petitioner herein is the accused in Crime No.224/2012 of the Mannanthala Police Station. In the said crime the police submitted final report after investigation under Sections 323 and 354 IPC. Such final report was filed in November, 2013. Finding the necessity of a further investigation, the District Police Chief, Thiruvananthapuram authorised the Assistant Commissioner of Police to conduct further investigation in the matter, and accordingly report was filed in court. On getting permission from the court, the Assistant Commissioner of Police (DCRB) conducted further investigation, and submitted a supplemental final report under Section 324 IPC. On further investigation, the Assistant Commissioner of Police found that Sections 323 and 354 IPC are not involved, and that the right Section is Section 324 IPC. It was accordingly, the Assistant Commissioner of Police submitted report of further investigation only under Section 324 IPC. The petitioner is not satisfied. In

this proceeding, he seeks a writ of mandamus directing further investigation.

2. The Sub Inspector of Police, Mannanthala has now submitted a report in detail regarding the process of initial investigation, and also further investigation. I am well satisfied that further investigation was properly and legally conducted by the Assistant Commissioner of Police, and on further investigation the investigating officer found that the case does not involve the offences under Section 354 IPC. It appears that the investigating officer initially submitted final report under Section 354 IPC on some misapprehension. Any way, that now stands corrected, and there is a final report under Section 324 IPC. It is not known why the petitioner again seeks a direction for further investigation, when the matter stands now concluded by a report of further investigation conducted by the police as ordered and permitted by the court. Now, there is only a charge under Section 324 IPC. The writ petition does not explain why there should be a further investigation in the matter, or what further materials are to be explored or collected, or how the petitioner

will be benefited by such investigation. On a perusal of the case records, I find that there is no scope at all for ordering a further investigation for the second time in the matter, by way of writ of mandamus.

However, the petitioner can approach the trial court, and seek appropriate relief as regards the supplemental report of investigation submitted by the police.

In the result, this writ petition is dismissed.

Sd/-

P. UBAID, JUDGE

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