

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 2884 of 2015 (I)

PETITIONER :

**T.V. KARTHIKEYAN,
AGED 54 YEARS, S/O.VASU
(KUTTATH VEEDU, EROOR) PRESENTLY RESIDING AT
KERALA WATER AUTHORITY QUARTERS
NETTOOR, ERNAKULAM, PIN - 682 040.**

**BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.T.B.GAFOOR
SRI.A.D.SURESH BABU**

RESPONDENT(S) :

- 1. STATE OF KERALA
REP. BY ADDL. CHIEF SECRETARY (HOME)
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIATE
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE STATE POLICE CHIEF & DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM, PIN-695 001**
- 3. THE INSPECTOR GENERAL OF POLICE
ERNAKULAM RANGE, ERNAKULAM, PIN -682 011**
- 4. THE CITY POLICE COMMISSIONER
COCHIN CITY, REVENUE TOWER, BOAT JETTY
ERNAKULAM, PIN-682 011**
- 5. THE SUB INSPECTOR OF POLICE
THRIPUNITHURA HILL PALACE POLICE STATION
THRIPUNITHURA, ERNAKULAM, PIN-682 301**
- 6. VISHNU M.M., S/O.MADHU
MELOOTT VELI VEEDU, POOCHAKKAL P.O.,
PANAVALI, CHERTHALA, ALAPPUZHA DISTRICT,
PIN-688 526.**

R1 TO R5 BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ALEXANDER THOMAS, J.

=====

W.P.(C).No. 2884 of 2015

=====

Dated this the 27th day of May, 2015

J U D G M E N T

The prayers in this Writ Petition (Civil) are as follows:

- i. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents 2 to 5 police officers to conduct a serious, detail and through investigation in the matter of unfortunate death of the petitioner's daughter Akhila, by taking steps touching all aspects which are raised by the petitioner and to find out the real cause for the death and if the local police is unable to do the investigation in a proper and scientific manner direct the 2nd respondent to entrust the insofar as with another agency like the Crime Branch.
- ii. Issue such other and further writs, orders or directions as this Hon'ble Court may deems (sic) fit and proper in the facts and circumstances of the case.

2. In compliance with the direction issued by this Court, the 5th respondent investigating officer has filed statement dated 13.2.2015 in this W.P.(C). Paras 5 and 6 of the said statement read as follows:

“5. It is humbly submitted that as the investigation established that the death of petitioner's daughter Akhila was a clear case of suicide beyond doubt, this respondent completed the investigation and reported the case as “Suicide by run over” and the Final Report was submitted before the Hon'ble Sub Divisional Magistrate Court, Fort Kochi on 30.10.14.

6. It is humbly submitted that since respondent has considered all the aspects mentioned by the petitioner and the

investigation revealed that the same are not true. This respondent has conducted a just, fair, proper and impartial investigation into the above crime and the allegations contrary to the same are false and hence denied. If the petitioner is aggrieved by the report filed before the Sub Divisional Magistrate, he is at liberty to approach Hon'ble Magistrate u/s.176 Cr.P.C..”

3. Sri.K.J.Mohammed Anzar, learned counsel for the petitioner submits that in tune with the submission made by the 5th respondent investigating officer, the petitioner has been advised to approach the Sub Divisional Magistrate to submit his detailed objections against the final report filed in this case and that accordingly, he is not pressing this Writ Petition. In view of this submission, this Writ Petition is closed as not-pressed without prejudice to the right of the petitioner to work out his remedies in accordance with law. It is made clear that if the petitioner submits his objections without any further day, the Magistrate shall bestow the anxious consideration on the matters raised in such objections and take a decision thereon in accordance with law.

sd/-
ALEXANDER THOMAS, JUDGE

sdk+
///True copy///

P.S. to Judge