

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 6087 of 2015 (I)

PETITIONER(S):

**ABDURAHIMAN, AGED 42 YEARS,
S/O.MOIDEEN, PUTHIYOLI HOUSE, CHEEKKODE,
MALAPPURAM DIST.**

**BY SRI.S.SREEKUMAR, SENIOR ADVOCATE
ADV. SRI.C.M.MOHAMMED IQUABAL**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY TO THE HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 3. THE SUPERINTENDENT OF POLICE,
MALAPPURAM, POST MALAPPURAM, PIN - 676 505.**
- 4. THE CENTRAL BUREAU OF INVESTIGATION,
NEW DELHI, 110 001, REPRESENTED BY ITS DIRECTOR.**
- 5. CRIME BRANCH CID,
KOZHIKODE,
REPRESENTED BY THE SUPERINTENDENT OF POLICE,
POST KOZHIKODE, PIN - 676 301.**
- 6. PRAVEENA,
D/O.SIVAN (MINOR), REPRESENTED BY FATHER SIVAN,
KUTTASSERIPURAYIL HOUSE, CHEEKKODE AMSOM, VAZHAKKAD,
MALAPPURAM, KERALA, PIN - 676 505**

**R1 TO R3 & R5 BY GOVERNMENT PLEADER SRI.JIBU P. THOMAS
R4 BY SRI.P.CHANDRASEKHARA PILLAI, C.B.I.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 6087 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: THE TRUE COPY OF THE FIR IN CRIME NO.505/2014 OF VAZHAKKAD POLICE
STATION, DATED 29.10.2014.**

**EXT.P-2: THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 2.2.2015**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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W.P.(C). No. 6087 of 2015

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Dated this the 11th day of March, 2015

JUDGMENT

The petitioner has come up under Article 226 of the Constitution of India for a writ of mandamus or any other appropriate writ directing the 2nd respondent to order proper investigation by any external agencies like 4th or 5th respondents, etc. It seems that a crime as Crime No.505/2014 of the Vazhakkad Police Station has been registered against the petitioner alleging offences punishable under Sections 354(A)(1) IPC, Section 7 read with Section 8 of POCSO Act, and Section 3(1) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The allegation in short is that he had outraged the modesty of a girl who is the 9th standard student where he was working as a teacher and that the girl is a member of a Scheduled Caste; whereas, the petitioner is not a member of any Scheduled Caste or Scheduled Tribe.

2. Heard the submissions of the learned counsel for the petitioner, the learned counsel for the 4th respondent and the learned Public Prosecutor and perused the report filed by the investigating officer.

3. The matter is being investigated by the Deputy Superintendent of Police, Malappuram. Presently, I do not find any materials for handing over the investigation to any other external agency. I do not find any *mala fides* on the part of the present investigating officer. The learned counsel for the petitioner has requested that the petitioner may be permitted to surrender before the investigating officer in order to co-operate with the investigation.

In the result, this writ petition is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect

recovery if any, and conduct the investigation and produce the petitioner without delay before the court below, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA, JUDGE

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