

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 6892 of 2015 (J)

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CRIME NO.208/2015 OF ADOOR POLICE STATION.
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PETITIONER(S):

**LEKHA. K., AGED 33 YEARS,
W/O.NAIZAM, THAVALATHIL PUTHEN VEEDU,
NEAR SREEMOOLAM MARKET, ADOOR,
PATHANAMTHITTA DISTRICT - 691 523.**

**BY ADVS.SRI.P.A.MOHAMMED SHAH,
SRI.S.PRASANTH,
SRI.SOORAJ T.ELENJICKAL,
B.PRASANTH.**

RESPONDENTS:

- 1. ADDITIONAL CHIEF SECRETARY,
HOME DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. STATE POLICE CHIEF,
POLICE HEADQUARTERS,
THIRUVANANTHAPURAM.**
- 3. SUPERINTENDENT OF POLICE,
SPECIAL CELL (SCHEDULED CASTE & SCHEDULED TRIBE),
POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM.**
- 4. DEPUTY SUPERINTENDENT OF POLICE,
ADOOR, PATHANAMTHITTA DISTRICT.**
- 5. DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME RECORDS BUREAU,
OFFICE OF DISTRICT POLICE CHIEF,
PATHANAMTHITTA DISTRICT.**
- 6. SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION, ADOOR,
PATHANAMTHITTA DISTRICT.**

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**7. MR.RAJU,
DEPUTY SUPERINTENDENT OF POLICE,
CRIME RECORDS, PATHANAMTHITTA,
PATHANAMTHITTA DISTRICT.**

**8. MR.S. RASHEED, S/O.SHAMSUDHEEN,
KALACKAL KIZHAKKETHIL, T.B. ROAD,
PANNIVIZHA, ADOOR.**

**R1 TO R6 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R8 BY ADV. SRI.D.KISHORE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE FIR NUMBERED AS CRIME NO. 208/2015 OF ADOOR POLICE STATION DATED 17/02/2015.
- EXT.P2: THE TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 28/02/2015.
- EXT.P3 COPY OF THE COMPLAINT FILED BY SRI.BADAR SAMAN AND AISHAMMAL DATED 14/08/2014.
- EXT.P4 COPY OF THE COMPLAINT FILED BY SRI.C.K. THAMBI DATED 26/06/2008.
- EXT.P5 COPY OF THE COMPLAINT FILED BY SRI.JOY DATED 26/11/2014.
- EXT.P6 COPY OF THE COMPLAINT FILED BY SRI.C.P. PUNNOOSE DATED 13/01/2006.
- EXT.P7 COPY OF THE FIR IN CRIME NO.1246 DATED 04/06/2014.

RESPONDENT'S EXHIBITS:-

- EXT.R8A COPY OF THE COMPLAINT IN CMP.4738/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT.
- EXT.R8B COPY OF THE COMPLAINT DATED 17/06/2014 SUBMITTED BY THIS RESPONDENT BEFORE THE ADDITIONAL DIRECTOR GENERAL OF POLICE.
- EXT.R8C COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 17/06/2014 ISSUED FROM THE OFFICE OF THE DISTRICT POLICE CHIEF, PATHANAMTHITTA.
- EXT.R8D COPY OF THE JUDGMENT DATED 20/02/2015 IN CRL.MC. NO.1062/2015 OF THIS HONOURABLE COURT.
- EXT.R8E COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY THE 8TH RESPONDENT BEFORE THE DISTRICT POLICE CHIEF, PATHANAMTHITTA.

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**EXT.R8F COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 23/02/2015
ISSUED FROM THE OFFICE OF THE DISTRICT POLICE CHIEF.**

**EXT.R8G COPY OF THE REPRESENTATION DATED 20/02/2015 SUBMITTED BY
THE SECRETARY, BAR ASSOCIATION ADOOR BEFORE THE
DISTRICT POLICE CHIEF.**

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

.....
W.P.(C) No.6892 of 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

Heard the learned counsel for the petitioner, the learned counsel for the 8th respondent and the learned Public Prosecutor.

2. The petitioner has got serious grievance as against the 7th respondent. It seems that there is merit in the grievance expressed by the petitioner.

3. The learned Public Prosecutor has pointed out that the investigation can be handed over to the Deputy Superintendent of Police, Thiruvalla.

4. The learned counsel for the 8th respondent objects any order in the matter by stating that the petitioner

has no right to pick and choose the investigating officer. This is not a case wherein the learned counsel for the petitioner has exercised any such pick and chose. It is only a suggestion made by the learned Public Prosecutor independently.

5. Accordingly it is directed that the Deputy Superintendent of Police, Thiruvalla shall conduct the investigation, and the same shall be supervised by the District Superintendent of Police, Pathanamthitta, who is the 3rd respondent herein.

The writ petition is disposed of as above.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge