

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. 7445 of 2015 (E)

PETITIONER :

**DINESH GEORGE, AGED 36 YEARS,
S/O.GEORGE, POKKATHU VEEDU, CHOONDY,
ALUVA EAST VILLAGGE, ALUVA TALUK, ERNAKULAM.**

**BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA**

RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, (REVENUE)
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE SUB INSPECTOR OF POLICE,
ALUVA - 683 108.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
ALUVA POLICE STATION, ALUVA, PIN - 683 108.**
- 4. VIJAYAKUMAR HENDRY, S/O.HENDRY,
VIZHINJAM, THIRUVANANTHAPURAM-PIN - 695 521.**

**R1 TO R3 BY STATE BRIEF SRI. P.VIJAYARAGHAVAN
SRI. ABDUL SHUKKOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 7445 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT DATED 08.11.2014.**

**EXHIBIT P2: A TRUE COPY OF THE RECEIPTS SHOWING ACCEPTANCE OF EXHIBIT
P1 COMPLAINT ISSUED FROM THE OFFICE OF 3RD RESPONDENT
DATED 08.11.2014.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

ALEXANDER THOMAS, J.

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W.P.(C).No. 7445 of 2015

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Dated this the 27th day of May, 2015

J U D G M E N T

The prayers in the above captioned Writ Petition (Civil) are as follows:

- “1. Issue a writ of mandamus or other appropriate writ order or direction commanding the respondents No.2 and 3 to consider Exhibit P1 complaint Register FIR against the 4th respondent take the statements of the petitioner and witness and submit charge against the 4th respondent before court in accordance with law.
2. Issue such other writ order of (sic) direction as may be necessary in the facts and circumstances of the case.”

2. This Court by order dated 10.3.2015 had directed the Station House Officer to report through the Public Prosecutor, the action taken on Ext.P-1 complaint.

3. In compliance of this direction, the 3rd respondent investigating officer has filed a statement dated 13.3.2015. Paras 2 and 3 thereof read as follows:

“2. It is respectfully submitted that on 8.11.2014 a petition has been received at Aluva Police Circle Office from the petitioner herein. The gist of the case is that the 4th respondent named Vijayakumar Hentry of Thiruvananthapuram had approached the petitioner to invest money in his gold business. However, due to insufficient funds with the petitioner, he introduced his friend Mr.Muhammed Kunju, who was working abroad, to the 4th

respondent and accordingly, the 4th respondent received Rs. 72,50,000/- from Mr.Muhammed Kunju for his gold business during February, 2011 in the presence of the complainant. Subsequently the respondent Vijayakumar purchased gold by utilizing the above said amount and pledged the same gold in several financial institutions and thereby gained unlawful monetary benefit and at the same time he cheated the complainant's friend Muhammed Kunju by not repaying the borrowed amount.

3. It is respectfully submitted that from Ext.P1 petition itself it can be seen that there was a money transaction between one Mr.Kuhammed Kumju (sic) and the 4th respondent and the petitioner is only a witness to the above alleged transactions. In this aspect it is pertinent to note that so far the aggrieved party did not file any complaint or approached the police requesting to register any crime or to conduct investigation. The petitioner herein has no locus standi to file such a complaint since he did not part with any money nor sustained any loss from the 4th respondent or anybody has cheated him. It is further submitted that if the aggrieved party approaches the police, the police is ready to look into the matter and take appropriate action in accordance with law."

4. Sri.Paul.K.Varghese, learned counsel for the petitioner submits that the aforementioned Sri.Muhammed Kunju, who is the aggrieved person, will also appear before the police and co-operate with the investigation and that the police be directed to take appropriate action in accordance with law, as already undertaken by them in paragraph 3 of the above statement.

5. The above said submissions of the 3rd respondent investigating officer and the submissions made on behalf of the petitioner are recorded. It is for the petitioner to proceed in accordance with the manner suggested by the investigating officer in paragraph 3 of his statement and thereupon it is for the

investigating officer to proceed further into the matter and take action in accordance with law.

With these observations and directions, the Writ Petition (Civil) stands finally disposed of.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge