

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No.8545 of 2015 (P)

PETITIONER:

JESSY, W/O.SHAJI, AGED 33 YEARS
VAZHAMBASSERY HOUSE, MATTUMMEL BHAGAM, PERUMPADANNA
N.PARAVUR.

BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO

RESPONDENTS:

1. THE DIRECTOR GENERAL OF POLICE, LAW & ORDER,
THIRUVANANTHAPURAM- 695 001.
2. THE SUPERINTENDENT OF POLICE,
RURAL, ALUVA, 683 101.
3. THE SUB INSPECTOR OF POLICE,
N.PARAVUR POLICE STATION, 683 513.
4. JAGADHEESHAN, MATTUMMEL HOUSE
PERUMPADANNA, N.PARAVUR, 683 513.
5. GOPALAKRISHNAN, MATTUMMEL HOUSE,
PERUMPADANNA, N.PARAVUR - 683 513.
6. SABIN, S/O.GOPALAKRISHNAN,
MATTUMMEL HOUSE, PERUMPADANNA,
N.PARAVUR - 683 513.

R1-R3 BY SRI.ABDUL SHUKKOOR, PUBLIC PROSECUTOR
R4-R6 BY ADV. SRI.S.RAJEEV

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-05-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1- TRUE COPY OF THE F.I.R 2226/2014 OF N.PARAVUR POLICE STATION.

EXT P2- PHOTOGRAPHS SHOWING THE INJURIES SUSTAINED BY THE
PETITIONER AND HER HUSBAND.

EXT P3- TRUE COPY OF THE DISCHARGE SUMMARY FROM THE DON BOSCO
HOSPITAL.

EXT P4- TRUE COPY OF THE REFERENCE DATED 23/12/2014.

EXT P5- TRUE COPY OF THE DISCHARGE SUMMARY ISSUED FROM THE LOURDES
HOSPITAL, ERNAKULAM.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

ALEXANDER THOMAS, J.

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Dated this the 20th day of May, 2015.

J U D G M E N T

The petitioner herein is the de-facto complainant in respect of Ext.P-1 FIR in Crime No.2226/2014 of North Paravur Police Station, Ernakulam District, registered for offences under Secs. 324, 326, 341, 354 r/w 34 IPC. According to the petitioner, she and her husband have received serious injuries in the above said offences committed by respondents 4 to 6 as evident from Ext.P-2 photographs and Ext.P-3 discharge summary certificate. It is also averred that the petitioner's husband suffered side paralysis and brought to Sree Narayana Institute of Medical Sciences on 21.12.2014 as evidence from Ext.P-4. That further he was admitted in Lourdes Hospital on 23.12.2014 as evident from Ext.P-5. It is the case of the petitioner that even after three months, the Investigating Officer, the 3rd respondent-Sub Inspector of Police, North Paravur, in the above crime has not taken proper steps to arrest the accused persons or to conduct the investigation fairly and properly. The petitioner also alleges that some police officials concerned are compelling her and her husband to settle the matter with

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the accused persons. It is the case of the petitioner that though serious cognizable offences under the Penal Code are involved, the Investigating Officer has only mentioned about minor offences in the FIR etc. It is in the light of these facts and circumstances, the petitioner has filed this Writ Petition with the following prayers:

“i) To issue a Writ of Mandamus directing the 1st Respondent to entrust the investigation in F.I.R 2226/2014 of N.Paravur police station to a senior officer not below the rank of Deputy Superintendent of Police with perpetual monitoring of the 2nd respondent.

ii) To issue such other reliefs that this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

2. Heard Sri.A.V.Jojo, learned counsel for the petitioner and learned Public Prosecutor appearing for respondents 1 to 3 and Sri.S.Rajeev, learned counsel appearing for contesting respondents 4 to 6.

3. It is pointed out by the learned counsel for the petitioner that during the pendency of the Writ Petition the police has arrested the accused persons and that they were released on bail.

4. In the facts and circumstances of the case, it is ordered that in case the petitioner has any grievance against the actual conduct of the investigation in this case, then he may file a detailed representation

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in that regard before the 2nd respondent-Superintendent of Police detailing out the aspects in that regard and upon which the 2nd respondent will call for the case diary file in relation to Ext.P1 crime from the 3rd respondent and examine whether the investigation has been conducted fairly and properly and if the 2nd respondent is convinced that further investigation in the crime has to be entrusted to some other officer then he may direct such entrustment of the further investigation to such senior officer or he may order that the investigation be carried out under the supervision of a senior officer not below the rank of Superintendent of Police as nominated by the 1st respondent.

With the above observations and directions the writ petition stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-