

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 9420 of 2014 (B)  
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PETITIONER :  
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ABOOBACKER,  
S/O.KUNJUMOHAMMED, AGED 55 YEARS,  
ARAKKAVEETIL, NADUVILAKKARA POST,  
VADANAPPILLY, TRISSUR DISTRICT.

BY ADV. SRI.K.P.MADHU

RESPONDENT(S):  
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1. THE DIRECTOR GENERAL OF POLICE,  
THIRUVANANTHAPURAM. PIN-695 001
2. THE SECRETARY, HOME AFFAIRS,  
THIRUVANANTHAPURAM. PIN-695 001
3. THE SUPERINTENDENT OF POLICE,  
THRISSUR. PIN-686 609
4. THE DY.S.P. OF POLICE,  
CRIME DETACHMENT, THRISSUR. PIN-680 609
5. THE CIRCLE INSPECTOR OF POLICE,  
VALAPPAD, THRISSUR, PIN-680 609
6. THE SUB INSPECTOR OF POLICE,  
VADANAPPILLY, CHAVAKKAD, PIN-680 506
7. THE DIRECTOR,  
CENTRAL BUREAU OF INVESTIGATION,  
CBI HEAD QUARTERS, NEW DELHI. PIN-110 006
8. ADGP, CBCID, TRIVANDRUM. PIN-695 001

R1 TO R6,R8 BY STATE ATTORNEY SRI. P.VIJAYARAGHAVAN  
R7 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

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- EXT.P1 - TRUE COPY OF THE FIR IN CRIME NO.366/2007 DATED 18/8/2007  
PREPARED BY THE SUB INSPECTOR OF POLICE, VADANAPILLY.
- EXT.P2 - TRUE COPY OF THE INQUEST REPORT IN CRIME NO.366/2007  
SUBMITTED BY ADDL. THASILDAR & EXECUTIVE MAGISTRATE
- EXT.P3 - TRUE COPY OF THE POSTMORTEM CERTIFICATE ISSUED BY THE  
PROFESSOR AND POLICE SURGEON, MEDICAL COLLEGE, THRISSUR  
DATED 19/8/2007
- EXT.P4- TRUE COPY OF THE SCENE MAHAZAR PREPARED BY SUB  
INSPECTOR OF POLICE, VADANAPPILLY DATED 19/8/2007
- EXT.P5 - TRUE COPY OF THE CERTIFICATE ISSUED BY KARUNA HOSPITAL  
VADANAPPILLY DATED 13/9/2007 TO THE PETITIONER.
- EXT.P6 - TRUE COPY OF THE REPORT ISSUED BY THE C.I. OF POLICE  
VALAPPAD DATED 13/3/2008 TO THE PETITIONER
- EXT.P7 - TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT  
DATED 14/11/2007 TO THE PETITIONER.
- EXT.P8 - TRUE COPY OF THE REPORT SUBMITTED BY THE 4TH RESPONDENT  
DATED 7/2/2008 ABOUT THE IMPROVEMENT OF INVESTIGATION
- EXT.P9 - TRUE COPY OF THE ORDER OF REJECTION THE APPLICATION OF RE-  
POSTMORTEM BY SUB DIVISIONA MAGISTRATE, THRISSUR DATED  
25/4/2008
- EXT.P10 - TRUE COPY OF THE JUDGMENT IN WPC.NO.34053 OF 2007(D) DATED  
18/12/2007 FILED BY THE PETITIONER FOR A FARE INVESTIGATION BY  
A SEPARATE AGENCY
- EXT.P11 - TRUE COPY OF THE REPRESENTATION FILED BY THE ACTION  
COMMITTEE BEFORE THE 1ST RESPONDENT DATED 12/3/2008
- EXT.P12- TRUE COPY OF THE PHOTOS OF THE POSTER AFFIXED BY THE  
ACTION COMMITTEE
- EXT.P13 - TRUE COPY OF THE PAPER CUTTING ABOUT THE NEWS PUBLISHED  
IN DAILIES MATHRUBHUMI AND RASTHTRADEEPIKA DATED 17/9/2007
- EXT.P14 - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE  
PETITIONER BEFORE THE 1ST RESPONDENT FOR TRANSFERRING  
THE CASE TO THE CENTRAL AGENCY - CBI DATED 12/3/2008

WP(C).NO.9420/2014

- EXT.P15 - TRUE COPY OF THE JUDGMENT DATED 6-1-2010 IN WPC.20542/2008
- EXT.P16 - TRUE COPY OF THE REPORT DATED NIL SUBMITTED BY THE DYSP  
CRIME DETACHMENT THRISSUR.
- EXT.P17 - TRUE COPY OF THE ORDER DATED 27-12-2011 IN CMP.5043/2010 BY  
THE LEARNED JFCM COURT CHAVAKKAD.
- EXT.P18 - TRUE COPY OF THE REPORT DATED 12-4-2013 FILED BY DYSP  
IRINGALAKKUDA.

RESPONDENT(S)' EXHIBITS AND ANNEXURES:

ANNEX 1 COPY OF THE STATEMENT GIVEN BY DR.P.REMA ON 06/10/2015.

/TRUE COPY/

P.A.TO JUDGE

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**B.KEMAL PASHA, J.**

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W.P.(C) No. 9420 of 2014

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Dated this the 8<sup>th</sup> day of December, 2015

**JUDGMENT**

The petitioner suspects the death of his daughter, Fouzyia as a murder committed by her husband and his relatives. She was allegedly found hanging dead at the matrimonial home. The petitioner has pointed out some suspicious circumstances. The Investigating Officer has investigated the matter and filed a final report alleging the offences under Sections 498A IPC and 306 IPC against her husband and mother-in-law.

2. Thereafter, the Investigating Officer could note down that a suicide note allegedly found at the room was not submitted for examination at the FSL, for which he had to conduct a further investigation under Section

173(8) Cr.P.C. Even though the said letter was sent to the FSL, as no standard writings were available, the handwriting could not be certified by the FSL.

3. When this matter came up before this Court, this Court has directed the Investigating Officer to obtain the opinion of a well-known forensic expert. Such a forensic expert has furnished a detailed opinion, which also shows that this is a case of suicidal hanging. It is true that there are suspicious circumstances. At the same time, there is absolutely nothing to show that this is a case of strangulation. When it stands proved that it is a case of suicidal hanging, the request for handing over a further investigation to any other agency does not arise in this case. Let the parties co-operate with the trial of the case.

With the said observation, this Writ Petition is closed.

Sd/-  
**B.KEMAL PASHA, JUDGE**