

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 9517 of 2015 (L)

PETITIONER:

**MEERAN KUTTY,
S/O. THARAKAN RAVUTHAR,
MEERA VILLA, NARANGANAM VILLAGE,
KOZHENCHERRY TALUK.**

BY ADV. SRI.A.K.ALEX

RESPONDENT(S):

- 1. DISTRICT POLICE CHIEF,
PATHANAMTHITTA - 684645.**
- 2. SUB INSPECTOR OF POLICE,
ARAMMULA-689533.**
- 3. STATE OF KERALA,
REPRESENTED BY HOME SECRETARY,
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 9517 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE RECEIPT DATED 19.2.2015 WHICH SHOWS THAT
THE COMPLAINT OF PETITIONER WAS RECEIVED BY THE
2ND RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE COMPLAINT DATED 3.3.2015 SUBMITTED BY
PETITIONER TO THE 1ST RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE RECEIPT DATED 3.3.2015 ISSUED BY THE
DISTRICT POLICE OFFICE, PATHANAMTHITTA TO PETITIONER.**

RESPONDENT(S)' EXHIBITS & ANNEXURES:

ANNEXURE R2(A) : A TRUE OCPY OF COMPLAINT DATED 19.2.2015.

/TRUE COPY/

P.S.TO JUDGE

mbr/

ALEXANDER THOMAS, J.

W.P.(C). No.9517 of 2015

Dated this the 21st day of May, 2015

JUDGMENT

The prayers in this writ petition (civil) are as follows:

- i) to issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to take action on the complaint of petitioner submitted to 2nd respondent evidenced by Ext.P1.
- ii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to consider and pass orders on Ext.P2
- iii) to direct the respondents to take steps to recover stolen articles and money stated in Ext.P2 and return it to petitioner.
- iv) to issue such other writ, order or direction which this Honourable Court deems just and fit in the nature and circumstance of the case.

2. As directed by this Court, the 2nd respondent the Sub Inspector of Police Aranmula has filed a statement dated 31/03/2015 in this matter and paragraphs 1 to

4 thereof reads as follows:

1. It is submitted that a petition has been received on 19.02.2015 from Mr.Meerankutty, age 68, Meera Villa, Naranganam stating that somebody has stolen his Bank documents, ATM cards, 5 gold coins weighing 8 grams each from his house at Naranganam, and his wife was not informed him about the matter. A true copy of complaint dated 19.02.15 received from petitioner is produced herewith and marked as Annexure R2(a).
2. On enquiry it is revealed the petitioner and his wife were living at the above said address. There were no sound relation between them, and they were living in separate room in the same building. Meanwhile the petitioner left home for treatment without informing his wife Ishabeevi. When the petitioner left home he locked his rooms and he kept all documents there.
3. In the absence of the petitioner, his wife opened the room by breaking the door lock only for getting the ration card for the renewal purpose of the same. In this regard I made an enquiry and summoned both parties to the Police Station. On enquiry it is revealed that the allegations of the complainant is false and he raised such an allegation only because of the rivalry with his wife. In this regard no cases were registered in Aranmula Police Station, as it is strictly a family matter.
4. So it is humbly submitted that earnest enquiries were made in this regard. Any directions of the Hon'ble Court

in this regard would be strictly followed in its true letter and spirit.

3. Heard, Sri.A.K.Alex learned counsel for the petitioner and learned public prosecutor appearing for the respondents. It is pointed out by the petitioner that Ext.P2 dated 03/03/2015 has been received in the office of the 1st respondent as evidenced from Ext.P3 receipt dated 03/03/2015. On a consideration of the totality of the facts and circumstances of the case and the aforementioned statement dated 31/03/2015 filed by the 2nd respondent Sub Inspector of Police, it is ordered that if Ext.P2 complaint said to have been filed on 03/03/2015 has already been received by the 1st respondent and is pending consideration, then the 1st respondent will look into the grievance of the petitioner as contained in Ext.P2 and take appropriate decision thereon in accordance with law. It is made clear that the petitioner will have the liberty to submit any further representation in the matter to the 1st respondent which shall also be taken into account. Such decision will be taken by the 1st respondent without any further delay preferably within one month from

the date of production of a certified copy of this judgment.

Sd/-ALEXANDER THOMAS
JUDGE

MJL