

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C) .No. 13226 of 2013 (C)

PETITIONER:

DR.ASHISH PANICKER
AGED 27 YEARS, S/O.THRILOCHANA PANICKER,
KANNANKUZHA HOUSE, PERUMPETTY (P.O),
THIRUVALLA EAST,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN

RESPONDENTS:

1. THE DIRECTOR OF GENERAL POLICE,
POLICE HEADQUARTERS, VAZHUTHAKADU,
THIRUVANANTHAPURAM DISTRICT,
PIN - 695 001.
2. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA DISTRICT,
PIN - 689 001
3. THE DEPUTY SUPERINTENDENT OF POLICE,
PATHANAMTHITTA DISTRICT, PIN - 689 001.
4. THE CIRCLE INSPECTOR OF POLICE,
RANNY POLICE STATION,
PATHANAMTHITTA DISTRICT,
PIN - 689 711
5. THE SUB INSPECTOR OF POLICE,
RANNY POLICE STATION,
PATHANAMTHITTA DISTRICT, PIN - 689 711

R1-R5 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
BY GOVERNMENT PLEADER SMT.S.HYMA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 13226 of 2013 (C)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P-1: COPY OF THE STATEMENT DATED 20.3.2013

EXT.P-2: COPY OF THE FIR DATED 20.3.2013

EXT.P-3: COPY OF THE ACCIDENT CUM WOUND CERTIFICATE DATED
23.3.2013

EXT.P-4: COPY OF THE EXTRACT OF THE MATHRUBHUMI DAILY DATED
20.3.2013

EXT.P-5: COPY OF THE COMPLAINT DATED 29.4.2013

EXT.P-6: COPY OF THE COMPLAINT DATED 19.5.2013.

RESPONDENTS' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

W.P(C) No.13226 of 2013

Dated this the 13th day of March, 2015

J U D G M E N T

The petitioner herein is the defacto complainant in Crime No.311/2013 of Ranny Police Station, registered under Sections 294(b), 341, 323 and 427 of the Indian Penal Code. In May 2013 the writ petitioner brought this writ petition for a writ of mandamus directing the Director General of Police, Kerala, to handover investigation to some superior officer having proven integrity and ability, not below the rank of a Deputy Superintendent of Police of the Crime Branch. Ext.P1 produced herein is the copy of the complaint on which the police registered the said crime. This complaint reveals an instance of a simple assault in which the complainant sustained some injuries. His grievance is that the police should have registered FIR and directed investigation under Section 307 of the Indian Penal Code. For the said purpose he wants investigation by somebody else. The 4th respondent (The Circle Inspector of Police, Ranni) has filed a report regarding the investigation made by him in the crime and also the findings made during

investigation. His report is that nothing could be collected during investigation to make out the offence of attempted murder, or attempt for culpable homicide. He found only a case of assault in which the complainant sustained some injuries and he also found something to show that the complainant had sustained some loss in the alleged incident. On the basis of materials collected during investigation, he submitted final report in court on 23.3.2013 and the learned Magistrate has taken cognizance on the final report as C.C No.582/2014.

2. The writ petitioner is not satisfied. He now wants further investigation. In the present circumstances I do not find the necessity of proceeding further in this writ petition. It is submitted by the learned Public Prosecutor that the final report is filed under Sections 294(b), 341, 323, 324 427 and 506 (i) of the Indian Penal Code. Presently, I do not find anything more in the Ext.P1 complaint. It is not known, on what material, or on what ground the writ petitioner seeks investigation under Section 308 or under Section 307 of the Indian Penal Code. The complainant cannot dictate to the police as to how the FIR should be registered or under what section the final report should be submitted. The investigating officer has submitted

final report on the basis of the materials collected during investigation. If the writ petitioner is not satisfied with the report, or if he is aggrieved still, he will have to pursue other appropriate remedies available under the Code of Criminal Procedure as regards the final report. I do not find the necessity of passing any orders in this writ petition in the present circumstance.

In the result, this writ petition is dismissed without prejudice to the right of the petitioner to pursue appropriate remedies possible under the Code of Criminal Procedure as regards the final report submitted in the crime by the police.

**P.UBAID
JUDGE**

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