

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 13438 of 2015 (D)

PETITIONER :

**CIJO CHERIAN, AGED 48 YEARS,
VAZHOOR HOUSE, KURUVANMUZHY P.O., KANJIRAPPALLY.**

**BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN**

RESPONDENTS :

- 1. THE SUPERINTENDENT OF POLICE,
ALAPPUZHA-688 001.**
- 2. THE SUB INSEPCTOR OF POLICE,
CHENGANNUR-689 121.**
- 3. SACHU M.JOHN
KALEECKAL PADICKAL PUTHENVEEDU,
ANGADICKAL SOUTH, CHEGNANNUR-689 122.**
- 4. MANOJ P. JOHN
KALEECKAL PADICKAL PUTHENVEEDU,
ANGADICKAL SOUTH, CHEGNANNUR-689 122.**

R1 & R2 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 13438 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE AGREEMENT DATED 2/8/2014.

EXT.P2: TRUE COPY OF THE COMPLAINT DATED 23/12/2014.

EXT.P3: TRUE COPY OF THE FIR NO.2524 DATED 29/12/2014.

EXT.P4: TRUE COPY OF THE REQUEST DATED 11/4/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

W.P(C).No.13438 Of 2015

Dated this the 15th day of June, 2015.

J U D G M E N T

The prayers in this Writ Petition are as follows:

(i) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to forthwith investigate into the complaint which formed the basis of Ext.P3 FIR and prefer final report immediately.

(ii) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to issue appropriate directions forthwith to investigate into the complaint which formed the basis of Ext.PO3 FIR and take custody of the vehicle number KL-10 C 6226 and prefer final report immediately.”

2. As directed by this Court, the 2nd respondent–Investigating Officer has filed a statement dated 28.5.2015 in this matter.

Paragraphs 3 to 5 of the said statement reads as follows:

“3. It is submitted that the complainant produced a photocopy of the insurance Policy no.441992/31/2014/3322 issued on 11/3/14 from Oriental Insurance Company, Pathanamthitta for the vehicle bearing Reg.No.KL 30 C 6226 and two vehicle exchange deed signed by both parties on 9/7/14 and 2/8/14 along with the above CMP. After the registration of the case necessary enquiries were conducted and various witness were questioned and their statements were recorded. The Branch

W.P(C).No.13438 Of 2015

manager, Oriental Insurance Company, Pathanamthitta had stated that, the insurance policy No.441992/31/2014/3322 alleged to have been issued on 11/3/14 pertaining to vehicle No.KL 30 C 6226 was not at all issued from his office and that it belonged to another vehicle bearing registration no. KL 29 A 7011 owned by one Mr.Sajeev, Kadaykkal Peedikayil House, Ala, Chengannur. He had stated that, the said insurance policy produced along with the CMP is forged. Mr.Sajeev was questioned and he had stated that, the vehicle owned by him bearing registration no. KL 29 A 7011 was having valid insurance policy issued from Oriental Insurance Company, Pathanamthitta with no.441992/31/2014/3422 dated on 18/3/14. He produced the copy of the same which is attached with the CD file.

4. It is submitted that on perusing the said policy, it revealed that, the Policy produced by the complainant with the CMP is not the photocopy of the one produced by Mr.Sajeev. Hence the claim of the complainant, that the policy handed over to him by the accused belongs to Mr.Sajeev's vehicle is baseless. Moreover the petitioner could not produce the original of the said forged policy and it is stated that, the accused handed over the photocopy of the same alone while exchanging the vehicle. This cannot be believable at all since nobody will be willing to purchase a vehicle without seeing the original insurance policy. The Manager will have to be questioned about the contradictions in his previous statement. The 2nd accused had stated that his vehicle did not have any valid insurance policy and he did not hand over the policy document in question to the petitioner. This also cannot be acceptable since nobody will purchase a vehicle without valid insurance coverage. While conducting an enquiry at Chengannur JRTTO, regarding the documents produced for the purpose of obtaining permit to the vehicle, it is informed that, no such documents are available at their office.

W.P(C).No.13438 Of 2015

5. It is submitted that the investigation so far did not reveal the identity of the culprit who created the forged document and hence the investigation is still in progress. To verify the genuineness of the forged insurance certificate, it is essential to get the original of the document in question. But the original was not obtained till date. The investigation is in progress and the same will be completed and the final report will be submitted as early as possible.”

3. Based on the averments in the said statement, the learned State Attorney submits on instructions from the 2nd respondent that it is for the petitioner to co-operate with the investigation and to make available original of the documents which is now found out to be forged. Therefore, this Court is of the considered opinion that no further interference is warranted in the facts of this case.

Accordingly, this Writ Petition is closed.

ALEXANDER THOMAS,
Judge.

bkn/-