

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 14817 of 2014 (B)

PETITIONER/DEFACTO COMPLAINANT:

**VALSAMMA GEORGE, AGED 41 YEARS
D/O ANNAMMA GEORGE, OOTAKUZHICERUVIL HOUSE
NELICKAL MURI, KOIPRURAM VILLAGE
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.K.N.RADHAKRISHNAN(THIRUVALLA)
SRI.SALIM KABISERRI**

RESPONDENTS/STATE:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY, HOME DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN - 689 645.**
- 2. DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM
PIN - 695 001.**
- 3. DISTRICT POLICE CHIEF
PATHANAMTHITTA DISTRICT, PIN - 689 645.**
- 4. SUB INSPECTOR OF POLICE
KOIPURAM POLICE STATION, PATHANAMTHITTA, PIN - 689 645.**

**R1-R4 BY ADV. STATE ATTORNEY
R1-R4 BY ADV. T ASAF ALI,DIRECTOR GENERAL OF PROSECUTION(B/O)
BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 14817 of 2014 (B)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P1 : COPY OF FIR AND FIS IN CRIME NO.132/2014 OF KOIPRUM POLICE
STATION DATED 08.02.2014**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

W.P.(C)No.14817 of 2014

Dated this the 10th day of December, 2015

JUDGMENT

The writ petitioner herein is the defacto complainant in Crime No.132/2014 of the Koipuram Police Station, registered under Sections 452, 324, 323 and 376 read with 511 IPC. She seeks a writ of mandamus or appropriate direction for effective investigation in the crime. Now, there is police report that the effective investigation conducted by the police has revealed that the complaint made by the petitioner is not true. The doctor's statement recorded by the police during investigation is that the injury found on the body of the victim was not fresh, and that could even be self inflicted. The complaint tells us a strange story that the accused, aged more than 60 years, assaulted the victim, later made an attempt to rape her, and that the sons and the son-in-law of the accused who came there also assaulted her, and gave necessary help to the father, or facilitated the commission of offence by the father. Any way, the truth of the allegations was enquired into by the police as part of

investigation. There is report that the police has already collected necessary materials as part of investigation. Final report is yet to be submitted by the police in court. In such a situation, where the police has gone a long way with investigation, and where final report itself could be filed soon, I find it not necessary to proceed with this writ petition. As and when final report is filed, the writ petitioner can seek appropriate remedy, if she is, in any manner, affected or prejudiced by the final report. What is sought here is only a direction for effective investigation. That is presently going on, and the police would submit final report without any delay. In such a situation, the relief as sought by the petitioner is not necessary.

In the result, this petition is disposed of with observation that the petitioner can seek appropriate relief or remedy when final report is submitted by the police, and if the petitioner is in any manner aggrieved or prejudiced by the final report.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. To Judge