

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 14970 of 2015 (U)

PETITIONER:

**SURESH, AGED 55 YEARS, S/O.MOSHA,
ANJANA BHAVAN, PARAVILA,MUNDELA P.O,
NEDUMANGAD, THIRUVANANTHAPURAM-695 543.**

BY ADV. SRI.JOLLY ABRAHAM

RESPONDENT(S):

- 1. THE STATE OF KERALA, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHAKAD,
THYCADU P.O, THIRUVANANTHAPURAM-695 014.**
- 3. THE SUB INSPECTOR OF POLICE,
NEDUMANGAD POLICE STATION, NEDUMANGAD P.O,
THIRUVANANTHAPURAM-695 541.**
- 4. ANEESH, S/O.THANKASWAMI, CHALIYAKONAM,
NEAR LUDHER CHURCH, MUNDELA P.O, NEDUMANGAD,
THIRUVANANTHAPURAM-695 543.**
- 5. THE DIRECTOR,
CENTRAL BUREAU OF INVESTIGATION,
VELLAYAMBALAM, THIRUVANANTHAPURAM - 695 0**

**R1 TO R3 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R5 BY SRI.P.CHANDRASEKHARA PILLAI, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 14970 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE FIR NO.858 DATED 17.7.2014.

**EXHIBIT P2 : TRUE COPY OF THE INTERIM ORDER IN WRIT PETITION(CRL)
NO 394/2014 DATED 25-09-2014.**

EXHIBIT P3 : TRUE COPY OF THE COMPLAINT DATED 12-03-2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

W.P.(C).No.14970 Of 2015

Dated this the 20th day of July, 2015.

J U D G M E N T

The prayers in the Writ Petition are as follows:

“i) To issue a writ of mandamus or any other appropriate writ order or direction, directing the 2nd respondent to transfer the investigation of Crime No.858/2014 of Nedumangad Police Station to any other independent investigating agency or CBI (Central Bureau of Investigation).

ii) To issue a writ of mandamus or any other appropriate writ order or direction, directing the 4th respondent to take over the investigation of Crime No.858/2014 of Nedumangad Police Station by handing over the investigation to a Superior Officer other than the respondent.”

2. As directed by this Court, the Investigating Officer concerned (Inspector of Police, Aryanad Police Station, Thiruvananthapuram District) has filed a detailed 14 page statement dated 5.6.2015 before this Court in this case. The said statement has detailed out meticulously various steps taken by the Investigating Agency to trace out the missing man and woman. On a close perusal of the averments in the said statement, this Court is convinced that the police authorities have taken all due diligent steps possible under the

W.P.(C).No.14970 Of 2015

circumstances to trace out the missing man and woman who are neighbours and suspected to have eloped. It is assured by the learned Public Prosecutor on the basis of the instructions from the investigating agency that they will take all due diligence steps possible under the circumstances to have a logical conclusion in the matter and take all sincere endeavours to trace out the missing persons concerned.

3. To effectuate proper and diligent investigation in the matter, it is ordered in the interest of justice that the District Police Chief, Thiruvananthapuram (Rural) shall ensure that the further investigation in this case is supervised closely and directly by the Deputy Superintendent of Police leading the special team. The Deputy Superintendent of Police will ensure that necessary supervision and guidance is given to the Investigating Officer concerned at least once in 10 days or two weeks. It is further ordered in the interest of justice that the District Police Chief, Thiruvananthapuram (Rural) will also ensure that further investigation is reviewed by him at least on a 6 weeks' basis. In such review process, the Deputy Superintendent of Police and the Investigating Officer concerned will give detailed report to the District Police Chief about the upto date developments in the investigation and after reviewing the same, the District Police Chief will

W.P.(C).No.14970 Of 2015

also give necessary guidance and supervisory directions to the investigating team so as to effectuate due diligence in the investigation. If the petitioner has any further grievance he will be at liberty to ventilate his grievance by submitting appropriate petitions before the District Police Chief, Thiruvananthapuram (Rural), who shall consider the same and take necessary action while conducting the review process. Necessary reply to the petition that may be submitted by the petitioner may also be given by the District Police Chief.

With these observations and directions, the Writ Petition stands closed with liberty to the petitioner to approach this Court at the appropriate stage if no significant progress has been achieved in the investigation.

ALEXANDER THOMAS,
Judge.

bkn/-