

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 16168 of 2015 (U)

PETITIONER(S):

**DHANYA, AGED 38 YEARS,
D/O. SAKTHIDHARAN, EATTUMAL HOUSE,
KIZHAKKE VEETIL PALLAM, KARUMALLOOR PO,
KARUMALLOOR VILLAGE, PIN-683 511.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. CITY POLICE CHIEF,
OFFICE OF THE COMMISSIONER OF POLICE, REVENUE TOWER,
BOAT JETTY, ERNAKULAM 682016.**
- 2. PAUL PHILIP,
PARC, 62, PIPE LINE ROAD,
PALARIVATTOM PO, KOCHI 582025.**
- 3. ELIYAS GEORGE,
HILL PALACE ROAD, KARINGACHIRA, THRIPIUNITHURA,
KOCHI-682301.**
- 4. JAISON JOSEPH,
FLAT NO.18, RIVER EAST APARTMENT, KARINGACHIRA,
THRIPIUNITHURA, KOCHI-682301.**

R1 BY GOVERNMENT PLEADER SMT.S.HYMA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE COMPLAINT FILED BEFORE THE 1ST
RESPONDENT UNDER SECTION 154(3) OF THE CRIMINAL PROCEDURE
CODE**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

W.P.(C).No.16168 Of 2015

Dated this the 8th day of June, 2015.

J U D G M E N T

The above captioned Writ Petition has been filed seeking the following relief:

“To issue a writ of mandamus or any other appropriate writ commanding the 1st respondent to consider and take action on Exhibit.P1 complaint made by the petitioner without any further delay.”

2. This Court had directed the respondents to furnish instructions to the learned Public Prosecutor and file a statement in the matter. Accordingly, the learned Public Prosecutor has filed a statement dated 5.6.2015 on behalf of the Station House Officer concerned viz, Sub Inspector of Police, Palarivattom Police Station, Erakulam. Paragraphs 2 to 5 of the said statement dated 5.6.2015 reads as follows:

“2. It is respectfully submitted that, the petitioner submitted a petition before the 1st respondent, District Police Chief stating that one Paul Philip & Eliyas George who are the 2nd and 3rd respondent cheated her by not giving the balance amount of 13.50 Lakhs which they offered to pay her after two days of

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registration of her land on 19.01.2015. The total amount offered was about 43.5 Lakhs; but they paid only 30 lakhs and after registration they are not willing to pay the balance amount of 13.5 lakhs as offered by them. Even though the petitioner approached and asked Paul Philip and Eliyas George to pay the balance amount they denied.

3. It is submitted that the first respondent forwarded the petition to the Assistant Commissioner of Police Ernakulam to enquire about the petition. Even though the Assistant Commissioner of Police tried to summon the petitioner and 2nd & 3rd respondent and they didn't turn up. So the Assistant Commissioner forwarded the complaint to Palarivattom Police Station, and a case in Crime No.673/15 U/s 406, 420 and 34 IPC is registered against Paul Philip and Eliyas George as 1st & 2nd accused at Palarivattom Police station on 04.06.2015.

4. It is submitted that (sic) meantime the petitioner filed this Writ Petition before the Hon'ble Court in which one Jaison Joseph who is arrayed as 4th respondent stating that he is also involved in the above issue.

5. It is submitted that the investigation of the case is in the initial stage and more evidences are to be collected so as to know the actual fact behind this case."

3. In the statement it is stated that Crime No.673/2015 under Secs.406 & 420 r/w 34 IPC is registered as against contesting respondents 2 & 3 in this matter and that the investigation in the crime is in the initial stage and more evidential materials are to be collected so as to ascertain the actual facts in the matter.

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The above said statement of the Sub Inspector of Police is recorded. Accordingly, the Writ Petition stands closed recording the above said submission in the statement of the Station House Officer.

ALEXANDER THOMAS,
Judge.

bkn/-