

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 16588 of 2015 (W)

PETITIONER:

**AJIMOL AGED 37 YEARS
D/O. KUNJAMMA ABRAHAM, APPAKODE PUTHEN VEETIL
ARIPLACHI P.O., MAVILA ANCHAL, KOLLAM.**

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS:

- 1. SUPERINTENDENT OF POLICE (RURAL)
KOTTARAKKARA, KOLLAM-691 024.**
- 2. STATE POLICE CHIEF, POLICE HEAD QUARTERS
THIRUVANANTHAPURAM-695 001.**
- 3. C.K. MANOJ, SUB INSPECTOR OF POLICE
ANCHAL POLICE STATION, ANCHAL, KOLLAM - 691004.**
- 4. MANOJ, CIRCLE INSPECTOR OF POLICE, ANCHAL, KOLLAM-691 004.**

**Addl.R5. RAJAN CHANDY
S/O.A.J.CHANDY, APPACODE PUTHAN VEEDU HOUSE
ARIPLACHI POST, MAVILA, KOLLAM DISTRICT - 691 333**

**ADDL.R5 IS IMPEADED AS PER ORDE DATED 15.07.2015 IN IA 8669/15.
R1 -R4 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB
ADDL. R5 BY ADV. SRI.K.SIMOD SIVAN
ADDL. R5 BY ADV. SRI.A.A.MUHAMMED NASSAR
ADDL. R5 BY ADV. SMT.M.R.ELSIE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

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- EXHIBIT-P1- TRUE COPY OF THE FIR IN CRIME NO. 858/2015 DATED 16/05/2015 OF ANCHAL POLICE STATION.
- EXHIBIT-P2- TRUE COPY OF THE REMAND APPLICATION SUBMITTED BY THE 3RD RESPONDENT BEFORE THE HONOURABLE JFCM COURT-I, PUNALUR DATED 17/05/2015 AND THE INTERIM ORDER PASSED BY THE LEARNED MAGISTRATE
- EXHIBIT-P3- TRUE COPY OF THE ORDER DATED 22/05/2015 IN CRL.M.P 1796/2015 ON THE FILE OF THE JFCM-I, PUNALUR.
- EXHIBIT-P4- TRUE COPY OF THE COMPLAINT NO. CMP 1800/2015 FILED BEFORE THE JFCM-I, PUNALUR DATED 19/05/2015.
- EXHIBIT-P5- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 25/05/2015.

RESPONDENTS' EXHIBITS

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- EXT.R5(a) COPY OF THE MARRIAGE CERTIFICATE DATED 12.05.2011
- EXT.R5(b) COPY OF THE PASSPORT WITH VISA STAMPS OF THE PETITIONER HEREIN
- EXT.R5(c) COPY OF THE BANK STATEMENT OF THE PETITIONER HEREIN
- EXT.R5(d) COPY OF THE MEDICAL CERTIFICATE DATED 16.05.2008 ISSUED TO AJIMOL
- EXT.R5(e) COPY OF THE POWER O ATTORNEY DATED 23.12.2009
- EXT.R5(f) COPY OF THE ORDER DATED 18.07.2011 ISSUED BY THE FAMILY COURT, KOTTARAKKARA
- EXT.R5(g) COPY OF THE PAPER REPORTS
- EXT.R5(h) COPY OF THE PRIVATE COMPLAINANT BEFORE THE HONOURABLE JFMC-I, PUNALUR

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

W.P.(C) No.16588 of 2015

Dated this the 16th day of September, 2015

JUDGMENT

The writ petitioner herein is the accused in a crime registered on the complaint of her husband, who is the additional 5th respondent herein. She seeks a writ of mandamus directing effective investigation in the crime by some officer other than the 3rd and 4th respondents, and also a writ of mandamus directing action against the 3rd and 4th respondents on her complaint. Now, there is report by the Sub Inspector of Police, Anjal Police Station that the 3rd respondent stands transferred, and that the case is now being properly investigated by the present Sub Inspector. In view of the report, the learned counsel for the writ petitioner submits that in the present situation the writ petitioner has no grievance and the writ petition can be closed. The learned counsel for the additional 5th respondent submits that the writ petitioner brought this writ petition by suppressing the material facts, and that she is involved in so many crimes. Any way, let these matters be gone into by the present investigating officer.

When the investigating officer stands transferred to some other police station, and a new person has taken over investigation, the writ petitioner may not have any grievance practically. It is submitted that the main allegations are against the 3rd respondent and not against the 4th respondent. In view of the present investigation being made by the successor in office of the 3rd respondent, the writ petitioner has no grievance against the 4th respondent also. Accordingly, the report submitted by the present Sub Inspector of Police, Anjal is recorded, the submissions made by the learned counsel for the writ petitioner are also recorded, and this writ petition is closed.

Sd/-

P. UBAID, JUDGE

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