

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. 16873 of 2015 (H)

PETITIONER(S):

**RANJITH, AGED 39 YEARS,
S/O.KUMARAN, KODUVATHUPARAMBIL HOUSE,
NEAR THALIKULAM PANCHAYATH OFFICE, THALIKULAM POST,
THALIKULAM VILLAGE, THRISSUR DISTRICT-680 569.**

**BY ADVS.SRI.K.J.MOHAMMED ANZAR,
SRI.A.D.SURESH BABU.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE STATE POLICE CHIEF AND
DIRECTOR GENERAL OF POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM -695 001.**
- 2. THE DISTRICT POLICE CHIEF,
THRISSUR RURAL, CIVIL STATION,
AYYANTHOLE, THRISSUR- 680 003.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
IRINJALAKUDA.**
- 4. OFFICE OF THE DYSP,
IRINJALAKUDA, THRISSUR DISTRICT-680 121.**
- 5. THE SUB INSPECTOR OF POLICE,
VALAPPAD POLICE STATION, VALAPPAD,
THRISSUR DISTRICT-680 567.**
- 6. P.I. SHOUKKATHALI,
PRESIDENT, THALIKULAM GRAMA PANCHAYATH,
GRAMA PANCHAYATH OFFICE, THALIKULAM,
THRISSUR DISTRICT- 680 569.**

R1 TO R5 BY GOVT. PLEADER SRI.DHANESH MATHEW MANJOORAN.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF FIR IN CRIME NO.287/2015 OF VALAPPAD POLICE STATION IN THRISSUR DISTRICT.
- EXHIBIT P2. COPY OF THE PETITION DATED 06.03.2015 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT DYSP.
- EXHIBIT P3. COPY OF THE NOTICE DATED 01.04.2015 PUBLISHED BY THE OFFICE BEARERS OF BAHUJAN SAMAJ PARTY, NATTIKA ASSEMBLY CONSTITUENCY COMMITTEE.
- EXHIBIT P4. COPY OF THE NOTICE DATED NIL PUBLISHED BY PATTIKA JATHI PATTIKA VARGA SAMYUKTHA SAMITHI, THALIKULAM.
- EXHIBIT P5. COPY OF THE LETTER DATED 30/03/2015 ISSUED BY THE ASSISTANT DIRECTOR, NATIONAL COMMISSION FOR SCHEDULED CASTES, KERALA AND LAKSHADWEEP.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Dated this the 20th day of July, 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 1st respondent State police Chief to entrust the investigation in Crime No.187/2015 of Valapad Police Station with any other police officer not below the rank of a Superintendent of Police in the local police or to hand over the investigation to Crime Branch wing under Kerala Police.

ii. To issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to get explanation from the 3rd respondent regarding the delay, inaction and omission in conducting a proper investigation in Crime No.187/2015 of Valappad Police Station.”

2. As directed by this Court, the 3rd respondent–Investigating Officer in the crime (Deputy Superintendent of Police, Irinjalakuda has filed a statement dated 10.6.2015. The contents of the said statement is extracted below for easy reference.

“The writ petition was submitted by the petitioner alleging lethargic attitude of the Investigating officer in the investigation of case in Cr No 187/2015 u/s 294(b) IPC and sec 3(1)(x) of SC/ST (PA) Act of Valapad Police Station. The petitioner requested for issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the 1st respondent State Police Chief to entrust the

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investigation of the above said crime with any other Police officer not below the rank of Superintendent of Police in the local Police or Crime Branch CID.

It is respectfully submitted that all the allegations and averments raised in the writ petition, except the facts admitted hereunder are denied.

It is submitted that the petitioner belongs to Scheduled Caste community and he is the defacto complainant in Cr 187/2015 Valapad Police Station u/s 294(b) IPC and sec 3(1)(x) of SC/ST (PA) Act. The brief of the case is that on 05.03.2015 at about 10.30 hrs, accused in this case, Sri.P.I Shoukathali (R6) who is the president of Thalikkulam Grama Panchayath used filthy language and called caste name to the petitioner Ranjith due to the enmity that on seeing a motor accident occurred in front of the Thalikkulam Panchayath office, in which a Jeep belonged to the panchayath hit against a motor cycle and by which the motor cycle rider caused minor injury, the petitioner told the injured to go hospital for treatment.

It is submitted that the above said case was registered on 08.03.2015 and I have taken over the investigation of this case on 09.03.2015. During the course of investigation, so far I have recorded statement of 26 witnesses out of which 12 are occurrence witnesses who were present in and around the place of occurrence during the time of alleged incident. Out of these occurrence witnesses only 3 witnesses ie-1. Ranjith (The petitioner) 2. Kumaran (Father of the petitioner) 3. Divya (Wife of the petitioner) stated that the accused Shoukathali, who is the Panchayath President of Thalikkulam Panchayath, called caste name of the petitioner. But the others only stated that there were some use of hot words by the accused against the petitioner.

It is humbly submitted that on questioning of the accused Shoukathali, he stated that he has not called caste name against the petitioner but only there were some exchange of hot words between the petitioner and him. He again told that due to some political enmity between the petitioner's family and the accused Shoukathali, the trivial

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incident occurred following a motor vehicle accident between the panchayath Jeep and a motor cycle, it was ignited by the interested parties and his political opponents. In addition to that there is a civil dispute between the petitioner's family and Thalikkulam Panchayath with regard to the land now occupied by petitioner is pending before Hon'ble Munsiff Court Chavakkad as OS 316/2013. He also stated that the father of the petitioner (Kumaran) was an office bearer of Congress (I) Thalikkulam Mandalam earlier and he was expelled from the party. The R6 Shoukathali President Thalikkulam Grama Panchayath is one of the local leader of Congress (I) Thalikkulam Mandalam.

It is humbly submitted that following the occurrence of this case complaints were lodged by the petitioner in various forums including the National Commission for Scheduled Caste and enquiry reports for the same was submitted to the authorities concerned with regard to the investigation of this case.

It is respectfully submitted that from the investigation so far conducted the allegations raised by the petitioner against the accused Shoukathali regarding the calling of caste name could not be proved. There were some doubts regarding the whole allegations raised by the petitioner in his case. Hence utmost care is to be taken in the investigation of this case. Some independent witnesses stated that there were some exchange of hot words by the accused against the petitioner, following the motor accident occurred on 05.03.2015 in front of the Thalikkulam Gramapanchayath office. Considering all the facts, detailed investigation is necessary to reveal the truth, for which earnest efforts are being taken by me in the investigation of this case in a fair manner.

It is humbly submitted that Justice is to be given to all the concerned by a fair investigation of this case for which earnest efforts are being taken in the investigation. It is assured that it will be completed without any long delay. Hence it is humbly prayed that the petition may be dismissed."

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3. Heard Sri.K.J.Mohammed Anzar, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondents.

4. On going through the materials made available on record in the petition as well as on going through the statement filed by the Investigating Officer, this Court is of the considered opinion that no grounds are made out for interfering in the matter.

Accordingly, this Writ Petition stands closed with liberty to the petitioner to work out his appropriate remedies in accordance with law at the appropriate stage.

ALEXANDER THOMAS,
Judge.

bkn/-