

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 17858 of 2015 (F)

PETITIONERS:

1. MADHAVAN PILLAI V, AGED 75 YEARS,
NALUTHUNDIL VEEDU, PANAPETTY, PORUVAZHI
SASTHAMCOTTA KOLLAM.
2. JAGATHAMMA P.K
HIGHER GRADE OVERSEAR, K.Y. I.E SECTION NO.1
PUTHUPANAM P.O, VATAKARA, KOZHIKODE.
3. SANKARANKUTTY PILLAI B
ATHIRA NILAYAM, SOORANAD SOUTH, KAKKAKUNNU P.O
SASTHAMCOTTA, KOLLAM.
4. USHA RAJEEV R
REVATHY, SOUTH MYNAGAPALLY, MYNAGAPPALY P.O
KOLLAM.

BY ADV. SRI.T.K.ANANDA KRISHNAN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME,
SECRETARIAT, THIRUVANANTHAPURAM.
2. SUB INSPECTOR OF POLICE
SOORANAD POLICE STATION, SOORANAD, KOLLAM.
3. GOPINATH
VISHAKA BHAVAN, SOORANAD SOUTH, SASTHAMCOTTA
KOLLAM.
4. RAJASREE
W/O.GOPINATH, VISHAKA BUILDINGS, SOORANAD SOUTH
SASTHAMCOTTA, KOLLAM.

R1&R2 BY ADV. GOVERNMENT PLEADER SMT SAREENA GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17858 of 2015 (F)

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT P1. COPY OF THE PETITION FILED BEFORE THE 2ND RESPONDENT BY THE PETITIONERS.

RESPONDENTS' EXHIBITS:NIL

/TRUE COPY/

P.S TO JUDGE

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K. RAMAKRISHNAN, J.

.....
W.P.(C).No.17858 of 2015

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Dated this the 11th day of September, 2015.

JUDGMENT

This writ petition is filed by the petitioners seeking a writ of mandamus or other appropriate writ or order to direct the second respondent to effectively investigate Ext.P1 petition as expeditiously as possible and register a crime against 3rd and 4th respondents under Article 226 of the Constitution of India.

The allegation in the petition was that the petitioners except the fourth petitioner are parents of the job aspiring graduates. As part of the job search, the petitioners were looking for job for their sons and also the fourth petitioner is looking for a job for herself. The son of the first petitioner is working in Kerala Metals and Minerals Limited, Chavara as a temporary employee. He was expecting regularization of the employment in the said institution. While so, the third and fourth respondents approached the 1st petitioner and assured him that the employment can be regularized by them and demanded an amount of Rs.5 lakhs and the 1st petitioner

entrusted the same on 7.2.2013. But the same was not regularized so far. On 7.2.2015 the first petitioner approached the 4th respondent and he intimidated the 1st petitioner. The second petitioner's son is an Engineering graduate and the third and fourth respondents approached him and assured that a job will be obtained for him in Kerala Metals and Minerals Ltd. Chavara provided that an amount of Rs. 7 lakhs is paid. On 25.4.2012 the second petitioner paid the amount, but job was not provided as promised. The third petitioner's son is a post graduate in Engineering and assuring a job for his son on 16.3.2013, an amount of Rs.4 lakhs was obtained by the third and fourth respondents. The fourth petitioner herself was assured a job by third and fourth respondents and an amount of Rs. One lakh was received from the 4th petitioner. When the petitioners came to know each other and understood that the third and fourth respondents have cheated so many persons assuring job on various institutions, they have filed Ext.P1 complaint before the second respondent. But no action was taken. So they have no other remedy except to approach this Court seeking the following relief:

"Issue a writ of mandamus or other appropriate writ or order

to direct the 2nd respondent to effectively investigate Ext.P1 petition as expeditiously as possible and register a crime against the 3rd and 4th respondents”.

3. Earlier a statement was filed by the second respondent stating that a case was registered as Crime No.486/2015 under sections 420 read with section 34 of the Indian Penal Code and they have questioned petitioners 1 to 4 and recorded their statement and they have taken steps under section 91 of the Code of Criminal Procedure to submit their documents and investigation is going on. This Court by order dated 14th July, 2015 directed the District Police Chief, Kollam Rural to ensure that investigation can be conducted by a senior officer not below the rank of Inspector of Police and such investigation shall be supervised and monitored directly by an officer not below the rank of Deputy Superintendent of Police. The Deputy Superintendent of Police, on a frequent basis will closely monitor and supervise the said investigation and the District Police Chief, Kollam Rural will also ensure that he makes review of the investigation at least once in six weeks. The Inspector of police shall commence the investigation within a period of one week from the date of receipt of a copy of the

order. On that basis, subsequently another statement was filed in which it was mentioned that investigation of this case is entrusted with the Deputy Superintendent of police, District Crime Branch, Kollam Rural vide Order No.D1-30958/15/QR dated 24.8.2015 evidenced by Annexure R2(a). Since investigation is being now conducted by a superior officer in the rank of Deputy Superintendent of Police, this Court feels that there is no necessity to issue further direction in this regard as he will take care of effective investigation to be conducted in this case being a superior officer. The Deputy Superintendent of Police, DPC, Kollam Rural is directed to expedite the investigation at the earliest possible time in an effective and proper manner and file final report before the concerned court. If the petitioners' are not satisfied with the outcome of the investigation, then liberty of the petitioners to take appropriate steps against the same is left open.

With the above directions and observations, this writ petition is disposed of. Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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