

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 20452 of 2015 (F)

CRIME NO.325/2015 OF AREAKKODE POLICE STATION.

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PETITIONER(S):

SHAJI DANIEL, S/O.DANIEL, AGED 46 YEARS,
RESIDING AT NADUKUZHAYIL HOUSE,
THOTTUMUKKAM, VETILAPARA, ERANADU TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.N.M.JAMES.

RESPONDENT(S):

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.
2. THE STATE POLICE CHIEF (LAW AND ORDER),
OFFICE OF THE STATE POLICE CHIEF,
THIRUVANANTHAPURAM- 695 001.
3. THE DISTRICT POLICE CHIEF,
MALAPPURAM, OFFICE OF THE DISTRICT POLICE CHIEF,
MALAPPURAM, MALAPPURAM DISTRICT- 676 505,
4. THE STATION HOUSE OFFICER,
AREAKKODE POLICE STATION, MALAPPURAM,
MALAPPURAM DISTRICT- 673 639.
5. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MANJERI, MALAPPURAM DISTRICT-676 121.

R1 TO R5 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
BY ADV. SRI.P.CHANDRASEKHARA PILLAI, SC, C.B.I.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

WP(C).No. 20452 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE PETITION IN CRL.MP NO.997/2015 ON THE FILES OF THE LEARNED CHIEF JUDICIAL MAGISTRATES COURT, MANJERI DATED 27.03.2015.

EXHIBIT P2. COPY OF THE AGREEMENT DATED 03.06.2014.

EXHIBIT P3. COPY OF THE FIR IN CRIME NO.325/2015 OF AREAKKODE POLICE STATION.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B.KEMAL PASHA, J.

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W.P.(C).No.20452 of 2015

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Dated this the 1st day of September, 2015

J U D G M E N T

The complaint of the petitioner is that even though a crime was registered for the offences under Sections 383, 403, 420 and 506 IPC read with Section 34 IPC as Crime No.325 of 2015 of the Areakkode Police Station, no fruitful investigation has been going on.

2. The complaint of the petitioner is that he had taken his loaded tipper lorries through a road, and some members of the local public have complained that the road became damaged. Some persons of the locality under the guise of a committee constituted for the road repairing, obtained an amount of ₹1,00,000/- by threatening him. His complaint is that again he is being threatened. The petitioner has filed a private complaint and the same has been referred to the Police under Section 156(3) Cr.P.C., based on which a

crime has been registered.

3. The investigating officer has filed a report stating that the petitioner had willingly contributed an amount of ₹1,00,000/- and some other quarry owners also gave amounts for repairing the road. As the Local Body or the Government have not contributed anything, the committee could not carry out the repair of the road and still the said amounts are in deposit in a Bank in the name of the said committee. As rightly pointed out by the investigating officer, the demand for the said amount is presently seems to be more or less a dispute, which is civil in nature.

4. The investigating officer has reported that the Final Report has already been filed in the matter. In such case, it is for the petitioner to take further steps in the matter.

With the said observations, this Writ Petition (Civil) is closed.

Sd/-

B. KEMAL PASHA
JUDGE