

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 23063 of 2015 (G)

PETITIONER(S):

**STERLIN SHINTO, AGED 42 YEARS,
S/O. JOSE, THACHIL HOUSE, ANTHIKKAD DESOM,
VILLAGE, THRISSUR DIST.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. INSPECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM - 695 001.**
- 3. SUPERINTENDENT OF POLICE,
THRISSUR DIVISION, CIVIL STATION, AYYANTHOLE,
THRISSUR - 680 001.**
- 4. SUB INSPECTOR OF POLICE,
GURUVAYOOR POLICE STATION,
PUDUKKAD, THRISSUR DISTRICT - 680 001.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 23063 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: THE LETTER ISSUED BY THE PETITIONER TO DR.SAJAN, DEPT. OF
PEDIATRICS, CHOONDAL DATED 30/6/2011.**

EXT.P2: AREPLY GIVEN BY THE DR.SAJAN TO THE PETITIONER DATED 8/7/2011.

EXT.P3: THE COMPLAINT AND ITS RECEIPT DATED 6/8/2011.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
W.P.(C) No. 23063 of 2015
.....

Dated this the 14th day of October, 2015

J U D G M E N T

The petitioner has complained about the mysterious death of the 1½ year old son of the petitioner at his wife's house at Guruvayoor. The complaint was filed by the petitioner at the Guruvayoor Police Station. According to the petitioner, no crime was registered and no investigation was conducted in the matter.

2. As it was shown by the petitioner that the complaint was filed at the Guruvayoor Police Station and Ext.P3 acknowledgment was obtained from the Police Station, this Court has called the Sub Inspector of Police, Guruvayoor to this Court and enquired about the matter.

3. The learned Public Prosecutor has pointed out

that the complaint was filed before the Guruvayoor Police Station and the complaint was registered as No.252/DPTN/D1/2011. On the said complaint, all the parties from both sides were called to the Police Station. It was revealed that the petitioner had preferred the complaint solely because of the inconsistent stand taken by the relatives of the wife, relating to the incident.

4. On 4.10.2011, both the parties were called to the Police Station, where there was a detailed discussion regarding the matter and the matter was amicably settled between the parties and an agreement was drawn up. The Sub Inspector of Police, Guruvayoor has produced the said agreement entered into between the parties. Over and above it, it seems that the cause of death was investigated and Dr. Sajan Thottan, Consultant Paediatrician of St. Joseph's Hospital, Choondal was questioned and his statement was recorded. The statement of others were also recorded.

5. Those statements do not reveal any mystery in the death of the child. Strangely enough, the petitioner has not mentioned anything about the compromise entered into between the parties in the Police Station. This writ petition is filed as if the police has neither registered the complaint, and nor investigated the matter. The stand taken by the petitioner, in not revealing anything regarding the compromise entered into between the parties at the Police Station and the agreement, cannot be justified. Strangely enough, it has come out in the course of arguments that the learned counsel for the petitioner has also got the copy of the said agreement. Even then, the same has been suppressed. Matters being so, this writ petition is devoid of *bonafides* and is only to be dismissed and I do so.

In the result, this W.P.(C) stands dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge