

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 23322 of 2015 (M)

PETITIONER :

**MUHAMMED ASHRAF C.,
S/O.KUNHALAN, CHEERANGAN HOUSE,
VILLOOR, INDIANOR POST, KOTTAKKAL
MALAPPURAM DISTRICT- 676 503.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR GENERAL OF POLICE
THIRUVANANTHAPURAM-695 001.**
- 3. THE SUPERINTENDENT OF POLICE
PALAKKAD DISTRICT-678 001.**
- 4. T.V.SAJEEVAN
DEPUTY SUPERINTENDENT OF POLICE,
H.H. II, PALAKKAD-678 001.**

R1 TO R3 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 23322 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. COPY OF THE FIR IN CRIME NO.812/14 OF KOTTAKKAL POLICE STATION.
- EXHIBIT P2. COPY OF THE SKETCH PREPARED BY THE VILLAGE OFFIER, KOTTAKKAL.
- EXHIBIT P3. COPY OF THE COMPLAINT DATED 11.11.14 SUBMITTED BY THE MOTHER OF THE PETITIONER ALONG WITH HIS FATHER AND PETITIONER TO THE HOME MINISTER OF KERALA ALONG WITH ACKNOWLEDGMENT RECEIPT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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W.P.(C).No.23322 of 2015

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Dated this the 19th day of August, 2015

JUDGMENT

The petitioner is the 1st accused in Ext.P1 Crime No. 812/2014 of Kottakkal Police Station registered for offences under Sections 323, 324, 34 and 498A of the Indian Penal Code wherein the de facto complainant is his wife. The allegation of the petitioner is that the above crime has been registered based on the false allegations raised by his wife against him and that he submitted Ext.P3 petition before the Government complaining about the manner in which the investigation has been conducted in Ext.P1 Crime No.812 of 2014 of Kottakkal Police Station, in which he is accused No.1. It is further averred by the petitioner that the said Ext.P3 petition was referred to the 4th respondent Dy.S.P for enquiry and that pending finalisation of the petition enquiry that is said to be done in pursuance of Ext.P3 petition by the 4th respondent, all further proceedings in Ext.P1 Crime No.812 of 2014 (in which the petitioner is the accused No.1) should be kept in abeyance etc.

2. As directed by this Court, the 4th respondent Deputy Superintendent of Police, Crime Branch CID (Homicide & Hurt Wing-II), Palakkad has filed a statement dated 12/08/2015. In the said statement it is stated that Ext.P3 petition was referred to the 4th respondent as per the directives of the Government. It is also further made clear in the statement that Ext.P1 crime is being investigated by the local police and that only the enquiry on Ext.P3 petition alone has been entrusted to the 4th respondent, who is an Officer of the rank of Dy.S.P., Crime Branch, CID and that what was done by him was not an investigation in the crime but only an enquiry on the correctness or otherwise of Ext.P3 petition submitted by the petitioner who is the accused No.1 in Ext.P1 Crime No.812/2014 of Kottakkal Police Station. The said enquiry was entrusted to the 4th respondent through his head of the Department viz., Additional Director General of Police (Crimes). Accordingly the 4th respondent had completed the petition enquiry on Ext.P3 petition and has duly submitted the same before his head of the Department, viz., Additional Director General of Police (Crimes).

3. Heard. Sri.K.K.Mohamed Ravuf, learned counsel for the petitioner and the learned Public Prosecutor appearing for the

respondents.

4. Today, when the matter was taken up for consideration, the learned Prosecutor concerned submitted on instruction from the Additional Director General of Police (Crimes), who is the head of the State Crime Branch, that the report submitted by the 4th respondent on Ext.P3 petition enquiry has already been forwarded to the State Police Chief. In view of this aspect of the matter, State Police Chief will forward the said report of the 4th respondent on Ext.P3 enquiry along with his comments if any, to the District Police Chief, Malappuram under whose jurisdiction the Investigating Officer in Ext.P1 Crime No.812/2014 of Kottakkal Police Station is functioning. Upon receipt of the said papers from the State Police Chief, the District Police Chief will in turn forward the same for necessary action to the Investigating Officer in Crime No.812/2014 of Kottakkal Police Station along with necessary instructions based on such enquiry records, so as to proceed further with the investigation in that crime in accordance with law. It is for the investigating agency to proceed in relation to the investigation of Ext.P1 Crime No. 812/2014 of Kottakkal Police Station in accordance with law.

5. It is made clear that this Court has not expressed anything on the merits of the matter and it is for the the investigating Agency concerned to proceed strictly in accordance with law.

With these observations, the W.P.(C) stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL

