

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 26489 of 2015 (I)

PETITIONER(S) :

**T.V.RAMAKRISHNAN, AGED 67 YEARS,
S/O.VELAYUDHAN, THYVALAPPIL HOUSE, K.S.R.T.C ROAD,
CHALAKKUDY, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S) :

- 1. DEPUTY SUPERINTENDENT OF POLICE,
CHALAKKUDY, THRISSUR DISTRICT.**
- 2. SUB INSPECTOR OF POLICE,
CHALAKKUDY POLICE STATION, THRISSUR DISTRICT.**
- 3. THOMAS MATHEW, AGED 53 YEARS,
S/O.MATHEW, EDAKKUDIYIL HOUSE, VELLIKULNAGARA P.O.,
THRISSUR DISTRICT.**
- 4. SHAJAN VELAYUDHAN, AGED ABOUT 49 YEARS,
S/O.VELAYUDHAN, CHEMANDAPARAMBIL HOUSE, KANAKAMALA,
KODAKARA, THRISSUR DISTRICT.**
- 5. THILAKAN VELAYUDHAN, AGED ABOUT 47 YEARS,
S/O.VELAYUDHAN, VAILIKADA HOUSE, KIZHAKKE CHALAKKUDY,
MUKUNTHAPURAM, THRISSUR DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 26489 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE FINAL REPORT DATED 20.12.2009 FILED BY
THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, CHALAKUDY WHICH IS NOW NUMBERED AS
CC 8/2010.**

**EXHIBIT P2: TRUE COPY OF THE FIR REGISTERED AS CRIME NO.532/2009
DATED 06.06.2009.**

**EXHIBIT P3: TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 91 OF
THE CODE OF CRIMINAL PROCEDURE BY THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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W.P.(C). No. 26489 of 2015

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Dated this the 18th day of September, 2015

JUDGMENT

In a case in which Ext.P1 Final Report has been filed, and the matter is pending as C.C.No.8/2010 before the Judicial First Class Magistrate's Court, Chalakudy, it seems that presently, a notice under Section 91 Cr.P.C has been issued by the Investigating Officer to the petitioner, who is the de facto complainant.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The procedure adopted by the Investigating Officer is not legally sustainable. It seems that a further investigation has not been ordered in the matter under Section 173(8) Cr.P.C. No such information regarding any further investigation has been passed on to the court below.

In such a context, any such procedure as presently adopted by the Investigating Officer is not legally sustainable. Matters being so, Ext.P3 notice is only to be quashed.

In the result, this Writ Petition is allowed and Ext.P3 notice is quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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