

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 27630 of 2015 (C)

PETITIONER :-

C.S. SIVANANDAN, AGED 61 YEARS,
S/O.C.S.SEKHARAN, CHULLIVELY (GOKULAM),
S.N.PURAM P.O., ALAPPUZHA.

BY ADVS.SRI.S.SANAL KUMAR
SRI.M.T.SURESHKUMAR
SMT.T.J.SEEMA
SMT.BHAVANA VELAYUDHAN
SMT.SMITHA PHILIPOSE

RESPONDENTS :-

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACAUD,
SHASTHAMANGALAM POST, NEAR VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 010.

3. THE DISTRICT POLICE CHIEF,
ALAPPUZHA - 688 001.

4. THE CIRLE INSPECTOR OF POLICE,
MARARIKULAM POLICE STATION, ALAPPUZHA - 688 523.

R1 TO R4 BY SRI.JUSTIN JACOB, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23-12-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

rkj

WP(C) .No. 27630 of 2015 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

- EXHIBIT P1 : TRUE COPY OF THE FIRST INFORMATION REPORT WITH
FIRST INFORMATION STATEMENT IN CRIME NO.583/2015
dated 18.06.2015.
- EXHIBIT P2 : TRUE COPY OF THE REPORT SUBMITTED BY THE SUB
INSPECTOR OF POLICE, MARARIKULAM DATED
18.06.2015.
- EXHIBIT P3 : TRUE COPY OF THE ORDER IN B.A.NO.4661/2015 OF
THIS HON'BLE COURT DATED 07.08.2015.
- EXHIBIT P4 : TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER TOGETHER WITH HIS WIFE BEFORE THE 3RD
RESPONDENT DATED NIL.
- EXHIBIT P5 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE PETITIONER TOGETHER WITH HIS WIFE BEFORE
THE KERALA STATE WOMEN'S COMMISSION DATED NIL.
- EXHIBIT P6 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE PETITIONER TOGETHER WITH HIS WIFE BEFORE
THE MINISTER FOR HOME DATED NIL.
- EXHIBIT P7 : TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE
OF THE MINISTER OF HOME AND VIGILANCE, DATED
18.08.2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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W.P.(C)No.27630 of 2015

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Dated this the 23rd day of December, 2015

JUDGMENT

The writ petitioner herein seeks a writ of mandamus or other direction for effective investigation in Crime No.583 of 2015 of the Mararikulam Police Station. His grievance is that investigation is not being properly conducted by the police. So he seeks a direction to handover the investigation to the crime branch. Now, there is police report that investigation is already over, and the police has submitted final report in Court under Sections 498A, 306 and 302 IPC. The crime relates to the death of the writ petitioner's daughter and the grand child. The writ petitioner's daughter killed her child and committed suicide. It is alleged that the deceased had been subjected to mental and physical harrassment by her husband, and on such an allegation, there is final report against him under Sections 498A and 306 IPC. The charge laid by the police under Section 302

IPC is against the deceased lady. I find that the petitioner's grievance now stands redressed. He does not have any suspicion that the daughter was killed by anybody. It appears that he wants a prosecution under Section 304(B) IPC. For such a prosecution, something more is required. Anyway, let that be looked into by the appropriate Court at the appropriate stage. This Court cannot go into that aspect in this proceeding. What the writ petitioner wants is proper investigation. The police has already done it, and has submitted final report. In these circumstances, the writ petition need not proceed.

Accordingly, this writ petition is disposed of, recording the police report that final report has already been submitted under Sections 498A, 306 and 302 IPC. If the writ petitioner is in any manner aggrieved by the final report, he can seek the proper remedy available under the law.

Sd/-
**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE