

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 28863 of 2014 (G)

PETITIONER :

**DR.USHA ELIZABETH,
D/O.MAMMEN GEEVARGHESE, RESIDING AT FIELD VIEW,
KOCHUTHUNDIYIL, NARANGANAM P.O.,
PATHANAMTHITTA DISTRICT - 689 642.**

**BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.ASWIN.P.JOHN**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT
SECRETARIAT, TRIVANDRUM - 695001**
- 2. DIRECTOR GENERAL OF POLICE,
KERALA STATE, TRIVANDRUM - 695001**
- 3. DISTRICT SUPERINTENDENT OF POLICE,
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA-689601**
- 4. SUB INSPECTOR OF POLICE ARANMULA POLICE STATION,
ARANMULA, PATHANAMTHITTA**
- 5. HARISH, VALANJILETHU,
KOCHUTHUNDIYIL PADI, NARANGANAM P.O.,
PATHANAMTHITTA - PIN: 689 642.**
- 6. ALI, S/O.LATE MOIDEEN, PUDUPARAMBIL
NEAR KOCHUTHUNDIYIL PADI, PATHANAMTHITTA
PIN: 689 642.**
- 7. GOPI, THUNDIYIL, PUNNESSERRY COLONY,
NARANGANAM P.O., PATHANAMTHITTA, PIN: 689 642.**
- 8. MANOHARAN, S/O.LATE PANICKER,
BEHIND MALANADU FARM, KAKKANIYIL, NARANGANAM P.O.
PATHANAMTHITTA, PIN: 689 642.**

WP(C).No. 28863 of 2014 (G)

**9. CHANDRASEKHARAN NAIR,
VALANJILETHU HOUSE, NARANGANAM P.O.,
PATHANAMITHITTA - PIN: 689 642.**

R1 TO R4 BY GOVERNMENT PLEADER SMT. P. MAYA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 28863 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: THE TRUE COPY OF THE F.I.R IN CRIME NUMBER 738/2014 OF ARANMULA
POLICE STATION
- P2: THE TRUE COPY OF THE REPRESENTATION DATED 5/8/2014 SUBMITTED BY
THE PETITIONER

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

P.UBAID, J.

~~~~~  
**W.P( C) No.28863 of 2014**

~~~~~  
Dated this the 18th March 2015

J U D G M E N T

The writ petitioner is a practicing Doctor. She seeks a writ of mandamus directing action including effective investigation on a complaint made to the police alleging trespass and mischief in her property. Now there is a report by the Police that effective investigation was made on the complaint, but the Police could not collect any material for a criminal prosecution. Accordingly, the crime was referred as mistake of fact. There is such a final report in court. Now the petitioner is free to pursue appropriate remedies under the Code of Criminal Procedure as regards the final report submitted by the Police. Without prejudice to such right, this writ petition can be closed.

In the result, this writ petition is closed without prejudice to the right of the petitioner to seek appropriate normal remedies possible under the Code of Criminal Procedure as regards the final report submitted by the police referring the crime as mistake of fact.

Sd/-
P.UBAID
JUDGE

ma

/True copy/

P.S to Judge