

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

WP(C).No. 34304 of 2010 (K)

PETITIONER:

**BALAKRISHNAN, S/O.PERAVAKKUTTY,
AGED 49, RESIDING AT MALAYIL HOUSE,
THALAKKULATTHOOR PO.**

BY ADV. SRI.E.NARAYANAN

RESPONDENT(S):

- 1. THE ASSISTANT COMMISSIONER OF POLICE,
NARCOTIC CELL, CALICUT CITY, PIN - 673 001.**
- 2. V.K.RAGHAVAN, SUB INSPECTOR OF POLICE,
ELATHUR POLICE STATION, ELATHUR P.O,
KOZHIKODE - 673303.**

**R1 BY GOVERNMENT PLEADER SRI.S.JAMAL
R2 BY ADVS. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN
SRI.JOSEPH GEORGE(MULLAKKARIYIL)
SRI.K.RATHISH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 34304 of 2010 (K)

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE COMPLAINT DATED 15.11.08 SUBMITTED BY THE
WIFE OF THE PETITIONER BEFORE THE CITY POLICE
COMMISSIONER, KOZHIKODE.

EXT. P2 : COPY OF THE DEPARTMENTAL ORAL ENQUIRY REPORT
DATED 19.10.09.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.

W.P(C). No.34304 of 2010

Dated this the 06th day of July, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner was implicated in a crime, in which he was not involved. The petitioner's case is that, the petitioner had not been in good terms with his neighbour. The neighbour by name Damodaran Nair had apprehended a 3rd party, who had been removing sandal trees from another neighbour's property. The said Damodaran Nair is alleged to have influenced the 2nd respondent and implicated the petitioner also in the said crime.

2. A complaint was filed by the petitioner's wife before the City Police Commissioner, which was enquired into and found to be baseless by Ext.P2 report. The petitioner challenges Ext.P2 report. However, it is to be noticed that the report itself is of the year 2010 and by passage of considerable time, the criminal case

itself would have ended, either in conviction or acquittal of the accused. If at all the criminal case has not been concluded, then the petitioner would have his remedies to raise all his contentions before the Criminal Court and eventually if need be initiate proceedings for malicious prosecution.

Nothing survives in the writ petition. The writ petition would stand closed without this Court making any observations on the merits of the case.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

sp