

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No.34394 of 2014 (Y)

PETITIONER(S)/PETITIONER:

**GANGADHARAN PILLAI, AGED 59 YEARS,
CHAPRAYIL VILLA, KOTTAPPURAM CHERRY,
KOTTAPURAM VILLAGE, S.PARAVUR.P.O
KOLLAM DISTRICT.(ONE AMONG THE VICTIMS IN CRIME
NO.0852/14 OF KUMARAKAM POLICE STATION)**

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S)/RESPONDENTS:

- 1. S.I. OF POLICE
KUMARAKOM POLICE STATION OF KOTTAYAM DISTRICT-686001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KUMARAKOM-686563.**
- 3. THE DIRECTOR POLICE CHIEF,
KUMARAKOM-686563, KOTTAYAM DISTRICT**
- 4. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695001.**
- 5. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO HOME AFFIARS
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.**

BY ADV. GOVERNMENT PLEADER SMT.S.HYMA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 34394 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : A TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER DTD 4-10-14 ISSUED BY KIMS HOSPITAL KOTTAYAM**
- EXT.P2 : A TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER'S SON DTD 4-10-14 ISSUED BY THE KIMS HOSPITAL KOTTAYAM**
- EXT.P3 A : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DTD 14-12-2014**
- EXT.P4 : TRUE COPY OF THE FIR IN CRIME NO.0852/14 OF KUMARAKAM POLICE STATION.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J

W.P.C.No.34394 of 2014

Dated this the 2nd day of March, 2015

JUDGMENT

The writ petitioner herein is the victim of offence in Crime No.0852/14 of Kumarakam Police Station, registered under the Sections 323, 324, 294(b) r/w 34 of the IPC. The writ petitioner seeks a direction for proper and effective investigation by some superior officer. His grievance is that, in spite of the definite materials showing that, he had sustained serious injuries in the incident, the police registered the crime only in Section 324 IPC, and that the investigation being conducted by the Sub Inspector is not on the right track. The investigating officer has filed report that the police has already incorporated Section 326 IPC, and investigation is going on into those aspects also. As regards the involvement of Section 384 IPC, I directed the Police on 31.1.2015 to verify the case diary, peruse the entire materials collected so far, and examine whether there is any materials to incorporate Section 384 IPC. Now, there is a report by the Circle Inspector of Police, Kottayam West, that, he has taken

over the investigation and that effective investigation is going on. The Police has collected materials for prosecution under Section 326 IPC. But, nothing could be so far collected to prove the offence under Section 384 IPC. Anyway, the petitioner's grievance is that, the Sub Inspector is not serious on investigation, and his request is to hand it over to some superior officer. The petitioner's grievance stands now redressed. The Circle Inspector has taken over the investigation, and effective investigation is going on at his hands. The Police has already incorporated Section 326 IPC, and investigation going on into those aspects also. In such a situation, this writ petition need not proceed.

The report submitted by the Circle Inspector, Kottayam West is recorded, and the writ petition is closed with direction to the investigating officer to make effective and fruitful investigation, and submit final report within the shortest possible time.

Sd/-
P.UBAID
JUDGE

vs

VS