IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 31ST MARCH 2008 / 11TH CHAITHRA 1930

WP(C).No. 8300 of 2008(K)

PETITIONER:

    K.P.PRABHAKARAN, SREEJA NIVAS,
    P.O.KAVUMBHAGAM, THALASSERRY.

  BY ADV. SRI.V.RAJAGOPAL

RESPONDENTS:
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  1. ADDL.D.G.P.(C.B.C.I.D)
    THIRUVANANTHAPURAM.

  2. S.P. C.B.C.I.D.,
    KANNUR.

  3. I.G. OF POLICE, C.B.C.I.D
    NORTHERN RANGE.

  4. INSPECTOR OF POLICE, C.B.C.I.D
    KANNUR.

  BY   G.P. SRI. GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/03/2008,   THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R. BASANT, J.

W.P.(c) No. 8300 of   2008-K

Dated this the   31ˢᵗ day of March, 2008

JUDGMENT

The short grievance of the petitioner is that the investigation in Crime No.1004/03 of the Thalassery Police Station registered under the caption "unnatural death" on 30/12/03 is not being conducted effectively and properly. When this petition came up for admission, the learned counsel for the petitioner was requested to explain how this petition is maintainable in the light of the decision in **Sakiri Vasu v. State of U.P.** (2008 (1) KLT 724 (SC)). Thereafter, even though the case came up for hearing on a couple of occasions, there is no representation on the part of the petitioner.   It is by now trite, after the decision is **Sakiri** which has been followed by this Court in **Vasanthi Devi v. S.I. of Police (2008 (1) KLT 945),** that a person aggrieved by the quality

of investigation has got to approach the Magistrate concerned to seek appropriate directions U/s. 156(3) Cr.P.C. The petitioner has not done the same. Without and before approaching the learned Magistrate, the petitioner has rushed to this Court with this petition under Art.226 of the Constitution.

    2. This petition is, in these circumstances, dismissed. But I make it clear that the dismissal of this petition will not in any way fetter the rights of the petitioner to seek appropriate relief from the Magistrate concerned.

                      Sd/-
             (R. BASANT, JUDGE)

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               P.S. to Judge