

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT  
&  
THE HONOURABLE MRS. JUSTICE M.C.HARI RANI

FRIDAY, THE 30TH OCTOBER 2009 / 8TH KARTHIKA 1931

WP(Crl.).No. 264 of 2009(S)  
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PETITIONER(S):  
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M.SAIDU MOHAMED 53 YEARS,  
S/O. YOUSF RAWTHER, JINNANAGAR  
STREET, YAKARA AMSOM PALAKKAD,

BY ADV. SRI.H.BADARUDDIN

RESPONDENT(S):  
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1. THE SUPERINTENDENT OF POLICE,  
PALAKKAD.
2. THE CIRCLE INSPECTOR OF POLICE,  
SOUTH POLICE STATION, PALAKKAD.
3. THE STATION HOUSE OFFICER, SOUTH  
POLICE STATION, PALAKKAD.
4. THE STATION HOUSE OFFICER,  
KSABA POLICE STATION,  
PALAKKAD.

\*\* 5. S. HALEEMA, AGED 19 YEARS,  
STUDENT, D/O. SAIDU MOHAMMED

\*\*\* 6. IBRAHI, AGED ABOUT 18 YEARS,  
S/O. SHAHUL HAMEED, RES. AT. KOYYAMARAKAD,  
KANJIKODE, PUDUSSERY VILLAGE, PALAKKAD.

7. SHAHUL HAMEED AGED ABOUT 50 YEARS,  
RESIDING AT KOYYAMARAKAD, KANJIKODE-PUDUSSERY  
VILLAGE, PALAKKAD.

8. ASSIYA, W/O. SHAHUL HAMEED  
RESIDING AT KOYYAMARKAD,  
KANJIKODE-PUDUSERRY VILLAGE, PALAKKAD.

\*\* R5 is deleted from the array of parties as per order dated 08/07/2009 in W.P.  
(Crl) No.264/2009

\*\*\* Respondents 6,7 and 8 are reranked as respondents 5,6,7 respectively as per  
order dated 08/07/2009 in W.P.(Crl) No.264/2009.

ADV. SRI.SAJAN VARGHEESE K. FOR R6,7

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD  
ON 30/10/2009, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**R.BASANT & M.C.HARIRANI, JJ.**

\* \* \* \* \*

W.P.(Crl).No.264 of 2009

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Dated this the 30<sup>h</sup> day of October 2009

**J U D G M E N T**

BASANT,J

The petitioner is present. The alleged detainee and the 5<sup>th</sup> respondent are present. They are represented by their counsel. The learned counsel have placed before the court a certificate of marriage issued by the Palakkad Pallitheruvu Hanafi Jamia Masjid which shows that the marriage between the alleged detainee and the 5<sup>th</sup> respondent has taken place on 29/10/2009. All accept the marriage. The learned counsel for the petitioner submits that in the facts and circumstances of this case, the petitioner does not seek any further directions in this writ petition.

2. We are satisfied that no further directions are necessary and this writ petition can now be closed.

3. In the result, this writ petition is dismissed as agreed recording the fact that the alleged detainee and the 5<sup>th</sup> respondent have already got married. They are present in court today. They are permitted to leave together from the court.

**(R.BASANT, JUDGE)**

**(M.C.HARIRANI, JUDGE)**



Dated this the 8<sup>h</sup> day of October 2009

## **O R D E R**

BASANT J

This order must be read in continuation of the earlier orders passed by this court resting with the order dated 08/09/2009.

2. The petitioner has come to this court complaining about the disappearance of his daughter, an adult major girl from 08/11/2008. Though it is the case of the petitioner that a prompt complaint was filed, no crime was registered and crime was registered long later on 23/6/2009. From time to time, directions were issued by this court to the police authorities to expeditiously complete the investigation and trace the alleged detainee. Success has not been achieved so far. In the anxiety of this court to ensure that the alleged detainee is traced, the Director General of Police was directed to ensure that the investigation is conducted by a more competent and specialised agency. Investigation is now being conducted by a team headed by a Deputy Superintendent of Police under the strict supervision of the Superintendent of Police, Palakkad. The

Superintendent of Police, Palakkad has now filed a statement on 07/10/2009 which reveals that success has not been achieved in the attempt to trace the missing girl. In the report, the steps taken have been narrated in detail. Suffice it to say that in spite of the steps taken, the girl has not been traced yet.

3. The learned counsel for the petitioner submits that the 5<sup>th</sup> respondent and his relatives have great political influence and that is the reason why police are not taking the necessary steps and showing the necessary eagerness to trace the alleged detainee. There is no sufficient material yet to completely accept that submission of the learned counsel for the petitioner; but the fact remains that the daughter of the petitioner, who is found missing from 08/11/2008 has not been traced so far. We are definitely of the opinion that a more eager and anxious effort must be made by the police to trace the alleged detainee.

4. It is true that a special investigation team is conducting the investigation now; but in the facts and circumstances of this case, we deem it necessary to direct the Director General of Police to ensure that the investigation is now entrusted to a more competent and superior official.

5. Call this petition again on 26/10/2009, by which time

we expect the investigating officers to achieve success. We also expect the Director General of Police to personally monitor the investigation and take necessary steps if he is of the opinion that the investigation must be entrusted to more competent and senior hands. If the alleged detainee is not traced by 26/10/2009, the Director General of Police shall file a statement showing the steps taken. The case diary shall also be placed before this court on that day to consider the further action to be taken, if necessary.

6. Hand over copy of this order to learned Government Pleader for immediate communication to the Director General of Police.

This order must be read in continuation of the earlier orders dated 14/7/2009, 24/7/2009 and 03/08/2009. A father in distress, has come to this court complaining that his daughter, aged 19 years, is missing from 18/11/2008. Despite directions issued from time to time, the alleged detainee remains untraced. It is alleged that the 5<sup>th</sup> respondent has taken her away. Respondents 6 and 7, parents of the 5<sup>th</sup> respondent, submit that their son, the 5<sup>th</sup> respondent, is also missing. Though the report of the

Superintendent of Police was insisted and the Superintendent of Police has submitted two reports, we note that the girl remains untraced even now. The police must appreciate the agony of the petitioner herein and must take necessary steps to trace the girl, at the earliest. We deem it necessary in the circumstances of this case to issue specific directions to the Director General of Police to ensure that the alleged detainee and the 5<sup>th</sup> respondent are traced as expeditiously as possible, at any rate, by the next date of posting.

2. The 1<sup>st</sup> respondent shall continue the efforts and such efforts shall be monitored and supervised personally by the Director General of Police. Call this petition again on 08/09/2009. If by 07/09/2009, the alleged detainee is not traced, the Director General of Police shall file a statement before this court to apprise the court of the steps taken, the stage of investigation and the results achieved. We may observe that if necessary, it is for the Director General of Police to ensure that the investigation is entrusted to a more competent and specialised agency in the nature of the history of the proceedings.

Hand over copy of this order to the Director General of

Prosecutions for immediate communication to the Director  
General of Police.

**R.BASANT & M.C.HARIRANI, JJ.**

.No. of 200

ORDER/JUDGMENT

29/07/2009