

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOMAS P.JOSEPH

THURSDAY, THE 30TH JUNE 2011 / 9TH ASHADHA 1933

WP(C).No. 17526 of 2011(M)

PETITIONER(S):

**SANTHOSH PRASAD, S/O.VAMADEVAN,
VAIKUNDAM, T.C.43/1349 - 2, MOOTTATHARA,
VALLAKKADAVU (P.O), THIRUVANANTHAPURAM.**

**BY ADVS. SRI.GOPAKUMAR R.THALIYAL,
SRI.S.VENUGOPAL,
SRI.KURUPPATH BHASKARAN.**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
POONTHURA POLICE STATION, VALLAKKADAVU (P.O),
THIRUVANANTHAPURAM-695 008.**
- 2. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY, THIRUVANANTHAPURAM-695 014.**
- 3. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 014.**

R1 TO R3 BY GOVERNMENT PLEADER SRI. V.MANU

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/06/2011, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Kss

WPC.NO.17526/2011 M

APPENDIX

PETITIONER'S EXHIBITS:

**P1: COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT DTD. 28/05/2011.**

**P2: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
TO THE 3RD RESPONDENT DTD. 30/05/2011.**

RESPONDENT'S EXHIBITS: N I L

/TRUE COPY/

P.A.TO JUDGE

Kss

THOMAS P JOSEPH, J.

W.P(C).No.17526 of 2011

Dated this 30th day of June, 2011

JUDGMENT

According to the petitioner his neighbour, Smt.Baby abused him and his family members on 28.05.2011 and in connection with that, he filed Ext.P1, complaint before the first respondent, the Sub Inspector of Police, Poonthura. First respondent did not register a case and instead on the influence of the said Smt.Baby registered a case against petitioner as Crime No.367 of 2011 of Poonthura Police Station for offences punishable under Secs.354 and 458 of the Indian Penal Code. Petitioner filed Ext.P2, representation to the third respondent, the Director General of Police, Thiruvananthapuram requesting to entrust investigation of the case to any agency other than the first respondent. Grievance of petitioner is that no steps have been taken in the matter, so far. Hence this writ petition seeking a direction to respondents 2 and 3 to order investigation of Crime No.367 of 2011 of Poonthura Police Station, by any agency other than the first respondent and a further direction to the third respondent to consider and pass order on Ext.P2 within a time frame to be fixed by this Court. Learned counsel submitted that petitioner was

falsely implicated in the above case. I have heard learned Public Prosecutor also who took notice for the respondents.

2. If Ext.P2, representation is pending before the third respondent (the Director General of Police) it has to be disposed of as provided under law. Accordingly, third respondent is directed to dispose of Ext.P2, representation (if it is received by that officer and not so far disposed of) as early as possible. I make it clear that I have not expressed any opinion concerning the merit or otherwise of the allegations in the criminal case or Ext.P2, representation. Petitioner shall make available a copy of this order to the third respondent.

This criminal miscellaneous case is disposed of as above.

(THOMAS P JOSEPH, JUDGE)

Sbna/-