

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 30TH DAY OF SEPTEMBER 2014/8TH ASWINA, 1936

WP(C) .No. 14574 of 2014 (V)  
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PETITIONER:  
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ZEENATH, AGED 60 YEARS,  
W/O.SHAFI MUSALIAR, SHAFI MANZIL,  
TKMC P.O.  
KARIKODE, KOLLAM.

BY ADVS.SRI.S.RAJEEV  
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENTS:  
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1. STATE POLICE CHIEF,  
POLICE HEADQUARTERS,  
THIRUVANANTHAPURAM-695001.
2. INSPECTOR GENERAL OF POLICE,  
OFFICE OF THE INSPECTOR GENERAL OF POLICE,  
THIRUVANANTHAPURAM-695001.
3. DISTRICT POLICE CHIEF,  
OFFICE OF THE DISTRICT POLICE CHIEF,  
KOLLAM-691001.
4. STATION HOUSE OFFICER,  
KARUNAGAPPALLY POLICE STATION,  
KOLLAM DISTRICT-690518 (CRIME NO.825/2011 OF  
KARUNAGAPPALLY POLICE STATION  
KOLLAM DISTRICT)

BY GOVERNMENT PLEADER SMT.S.HYMA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 30-09-2014, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

WP(C) .No. 14574 of 2014 (V)  
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APPENDIX

PETITIONER'S EXHIBITS :  
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P1: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.825/2011  
OF KARUNAGAPPALLY POLICE STATION.

P2: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO  
THE DISTRICT POLICE CHIEF AS WELL AS THE I.G. OF POLICE DATED  
10.3.2014.

RESPONDENTS EXHIBITS : NIL  
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//TRUE COPY//

P.A TO JUDGE

**P.UBAID, J.**

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**W.P(C) No.14574 of 2014**  
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Dated this the 30<sup>th</sup> day of September, 2014

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

The petitioner herein is one of the accused in Crime No.825/2011 of the Karunagappally Police Station, registered under Sections 406, 420, 463, 468 of the Indian Penal Code, now being investigated by the Sub Inspector of Police, Karunagappally. On the allegation that investigation is not being done properly and legally, the petitioner brought this writ petition under Article 226 of the Constitution of India for a writ of mandamus, directing the 1<sup>st</sup> respondent to handover investigation to the Crime Branch or any other Special Investigation Team. She also seeks a writ of mandamus directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to dispose of Ext.P2 representation made by her.

2. As required by the Court, the investigating officer submitted report regarding the present stage of investigation. The crime is now being investigated by the Sub Inspector of Police, Karunagappally. His report dated 30.6.2014 contains the details of the materials collected by him so far as

part of investigation. This report convinces the Court that earnest and proper measures are being taken by him for a thorough and honest investigation, and this Court finds that final report could be filed by him without any delay. The report shows that investigation was delayed due to some other reasons beyond his control. However, he affirms that earnest efforts will be taken to close the investigation, however, properly and promptly, without being influenced by any external pressure. I do not find the necessity of investigation by any other agency in this crime. However, if the final report goes against the petitioner in any manner, he can bring appropriate proceedings, challenging the final report as such. At this stage, when investigation is in progress properly at the hands of the Sub Inspector, I find no scope for interference, directing a writ of mandamus under Article 226 of the Constitution of India.

In the result, this Writ Petition is dismissed, without prejudice to the right of the petitioner to bring appropriate proceedings when final report is submitted by the police in the crime.

**P.UBAID  
JUDGE**

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