

Mini Vs. the State of Kerala

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Court : Kerala

Decided On : Jun-18-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Mini

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN WEDNESDAY, THE 18TH DAY OF JUNE 2014 28TH JYAISHTA, 1936 WP(C).No. 12734 of 2014 (N)

----- PETITIONER(S): ----- MINI, AGED 36 YEARS, D/O.MANI, THIRUVATHRA HOUSE, PUNNA DESOM, MANATHALA VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT. BY ADV. SRI.G.SREEKUMAR (CHELUR) RESPONDENT(S): ----- 1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. THE SUPERINTENDENT OF POLICE, AYYANTHOLE, COLLECTORATE, THRISSUR-680 001.

3. THE SUB INSPECTOR OF POLICE, GURUVAYOOR POLICE STATION, THRISSUR-680 001.

4. UNNIKRISHNAN, S/O.KUNJUKUTTAN, POOKOTIL HOUSE, KOTAPADY, TRHISSUR-680 001. R1-3 BY GOVERNMENT PLEADER SMT.S.HYMA THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: PJ WP(C).No. 12734 of 2014 (N) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXT.P1. A TRUE COPY OF THE FIR IN CRIME NO.1706/2013 DATED 21/9/2013 OF THE GURUVAYOOR POLICE EXT.P2. A TRUE COPY OF THE REPORT SUBMITTED BY THE 3D RESPONDENT BEFORE THE JFCM, CHAVAKKAD DATED 28/9/2013. RESPONDENT(S)' EXHIBITS ----- NIL. / TRUE COPY / P.S. TO JUDGE PJ K. Ramakrishnan, J.

===== W.P.(C).No.12734 of 2014
===== Dated this, the 18th day of June, 2014.

JUDGMENT

This is an application filed by the petitioner seeking a direction to the respondent to constitute a special team for investigation to detect the crime against the 4th respondent concerning murder of the father of the petitioner under Article 226 of Constitution of India.

2. It is alleged in the petition that petitioner married the 4th respondent. After marriage, the petitioner was treated with cruelty by the 4th respondent. There were series of incidents in respect of their family dispute. Ultimately, the father of the petitioner was also attacked in open public at the instigation of the 4th respondent, using other hired persons, and due to the attack, he succumbed to death later. Though a crime was registered, no effective steps have been taken to conduct proper investigation or arrest the accused persons. According to the petitioner, the entire investigation is tainted and it was conducted in a biased manner. So, the petitioner has no other remedy except to approach this court seeking the W.P.(C).No.12734 of 2014 :

2. : following relief: "Issue a writ of Mandamus or any other appropriate writ order or direction commanding the 1st respondent to constitute a special team for an

effective investigation in the case of the petitioner and to submit a report in this regard before this Hon'ble court in the interest of justice." 3. On the basis of the allegations, the Circle Inspector of Police, Guruvayoor filed a statement which reads as follows: "It is humbly submitted that, the accused 1 to 10 were on 20.09.2013 at 8.30 pm unlawfully assembled and attacked the complainant and her father in this W.P.(C) 12734/14 (Cr.No.1706/13) under Section 143, 147, 148, 120 (B), 341, 323, 324, 354, 307, 304 r/w 149 IPC. When the complainant came to her husband's house to take her clothings, accused nos.1 to 5 obstructed her and 3rd accused pushed her to the ground by twisting her hand. When the complainant was still on the ground, the 5th accused pulled her hair, beaten on the person of the complainant and questioned the modesty of the complainant by pulling her saree. 1st accused beaten with a wooden piece to the father of the complainant and when the complainant protested, she was beaten on the back portion of her ear. First accused and 4 to 7 accused forcibly pushed father of the complainant named Mani (deceased) thereby causing injuries on the chest and back portion of his person. After the said incident, when the complainant and her father while going back to their house in a scooter, with an intention to 'finish off' the complainant and her father, accused Nos.1 to 5 & 3 others followed them in a car No.KL- W.P.(C).No.12734 of 2014 :

3. :

46. H-21. When the complainant and father reached EMS road their journey were obstructed by the persons who were following them and attacked the complainant and father with fist and hands thereby causing severe injuries to the complainant's father aged 63 who succumbed to death before reaching Rajas Hospital, Chavakkad. The complainant was admitted in Thrissur Amala Medical Institute Hospital deposed to WCPO5894 regarding the incident so that, on 21.09.2013 at 4.30 pm crime has been registered in this police station as Crime No.1706/13 under Section 143, 147, 148, 341, 324, 323, 354, 307, 302 r/w 149 IPC. Since the case is included in Grave Crime List, as Circle Inspector of Police, Guruvayoor. I took the charge of investigation and inquested the body of the deceased Mani on 21.09.2013 at 8 AM before 5 members of the public of the Panchayat and blood relatives of the deceased. The inquest was over by 9.45 and find out the exact

reason of death of the Mani, body of the deceased was sent to Thrissur Medical College Hospital through CPO6377 Krishnakumar. After that the place of the incident was visited by me to prepare mahazar and to take deposition from the witnesses. As per the investigation done by me, it is revealed that accused Nos.1 and 2 with a common intention decided to attack the complainant and her father with the assistance of accused Nos.3 to 14 at 8.55 PM in the house of complainant's husband at Kottappady where complainant with her father came to take her clothings. Accused No.6, 8, 9 and 12 obstructed complainant and the deceased, 7th accused questioned the modesty of the complainant by pulling her saree, accused No.6 shouting as "kill them" beat with a wooden piece on the body of the W.P.(C).No.12734 of 2014 :

4. : complainant's father, kicked and beaten on the body of the father, mother Omana and helper Bijesh with hands and legs. Accused No.7 to 14 also joined accused A6. After the said incident, when the complainant and the parents while going back to their house by two scooters by around 9.30 PM in the front portion of the house of the owner of the T.T Devassy Jewellery at EMS Road accused 3 to 7 came over in KL46H21numbered Wagonr thereby obstructing the complainant and her father by beating them on the person of the father who is suffering from Occlusive Coronary Artery disease who then succumbed to death at 10.20 PM before reaching the Raja Charitable Medical Trust Hospital, Chavakkad. Accused Nos. 6 and 7 were arrested on 21.09.2013, 3, 4 and 5 on 26.09.2013. (The aforesaid accused were released on bail by the Judicial First Class Magistrate Court, Chavakkad as directed by this Hon'ble Court). On 05.04.2013, accused Nos. 8 to 12 surrendered before the Police Station, so that a remand report was submitted before the Court and the Court allowed bail for accused Nos.8 to 12. Accused Nos.13 and 14 surrendered before me on 1.11.2013 so that they were arrested and released on bail by the Hon'ble Judicial First Class Magistrate Court, Chavakkad. Accused No.2 is bailed out by this Hon'ble Court. It is pertinent to note that the 1st accused who is the husband of the complainant is working in a Gulf country. Hence could not find out his whereabouts and arrest him. Showing the 1st accused as absconding, Final Report is submitted before the Judicial First Class Magistrate Court, Chavakkad against accused 1 to 14 on 02.01.2014. It is humbly submitted that the case is now in trial stage as C.P.No.8/2014." W.P.(C).No.12734

of 2014 :

5. :

4. When the petition came up for hearing today, when it was pointed out to the Counsel for the petitioner that the investigation was completed arraying the 4th respondent as first accused alleging offences including murder and it is now pending as C.P.No.8/2014 and since the first accused was working abroad, he could not be arrested and he was shown as absconding in the Final Report submitted before the court, the Counsel for the petitioner submitted that, that may be recorded and the petition may be disposed. Accordingly, the statement of the Circle Inspector of Police, Guruvayoor and submission made by the Counsel for the petitioner are recorded and the petition is disposed of accordingly. Sd/- K.Ramakrishnan, Judge. Bb [True copy] P.A to Judge

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