

Johnson V. vs State of Kerala

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Court : Kerala

Decided On : Nov-20-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(Crl.)/56/2022

Appellant : Johnson V.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 20TH DAY OF NOVEMBER 2023 / 29TH KARTHIKA,
1945 WP(CRL.) NO. 56 OF 2022 PETITIONER: JOHNSON V. AGED 43
YEARS VETTAPARAMBIL HOUSE, MULAVUKADU NORTH,
ERNAKULAM - 682 504. BY ADV R.UMASANKAR RESPONDENT: 1
STATE OF KERALA REPRESENTED BY ITS SECRETARY, HOME
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001. 2 THE SUPERINTENDENT OF
POLICE ERNAKULAM RURAL, ERNAKULAM DISTRICT - 682 011. 3
THE STATION HOUSE OFFICER ALUVA EAST POLICE STATION,
ERNAKULAM RURAL, ERNAKULAM DISTRICT - 682 301. OTHER

PRESENT: SRI.RENJITH.T.R, SENIOR GOVERNMENT PLEADER
THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 20.11.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: P.V.KUNHIKRISHNAN, J

----- W.P(Crl.) No.56 of 2022 -----

Dated this the 20th day of November, 2023

JUDGMENT

This writ petition is filed with the following prayers:-

(a) To call for the record's leading to Exhibit P2 final report in Crime No. 3571 of 2018 of Aluva East Police station and to quash the same by issuing a Writ in the nature of certiorari.

(b) Issue a Writ of Mandamus or such other appropriate

Writ Order or Direction directing the second respondent to conduct a proper Investigation in Exhibit P1 crime case within a time limit fixed by this Honourable Court.

(c) Issue a Writ of Mandamus or such other

appropriate Writ Order or Direction directing to entrust the investigation in the above Crime No.3571/2018 of the Aluva East Police Station. to the 2nd respondent. L

(d) Pass any such interim orders as this Hon'ble Court may deem fit and proper in the circumstance of the case. (e)Reliefs and Costs. (sic)

2. The main prayer in this case is to quash Ext.P2 final report and also issue direction to the second respondent to conduct a proper investigation in Ext.P1 Crime.

3. The learned Public Prosecutor submitted that A

and B charge is submitted against the petitioner and the defacto complainant in this case. The case is pending before the Trial Court. If that is the case, this Court need not interfere with the matter at this stage. All the contentions raised by the petitioner in the writ petition are left open and the petitioner is free to raise the same before the Trial Court at the appropriate stage. With the above observations, the writ petition is closed. Sd/- P.V.KUNHIKRISHNAN JUDGE rmm/20/11/2023

APPENDIX OF WP(CRL.) 56/2022 PETITIONER EXHIBITS Exhibit P1 COPY OF THE F.I.R. IN CRIME NO.3571/2018 OF THE ALUVA EAST POLICE STATION DATED 29/12/2018. Exhibit P2 COPY OF THE CHARGE SHEET IN CRIME NO.3571/2018 FILED BEFORE THE HON'BLE JFMC-1, ALUVA. Exhibit P3 COPY OF THE PETITION IN OP(MV) NO.1969/.2019 FILED BEFORE THE HON'BLE MACT, PERUMBAVOOR. Exhibit P3A COPY OF THE PETITIONS IN AND OP(MV) NO.1968/2019 FILED BEFORE THE HON'BLE MACT, PERUMBAVOOR. Exhibit P4 COPY OF THE REPRESENTATION DATED RESPONDENT. Exhibit P4A COPY OF THE RECEIPT DATED 12/02/2019 ISSUED FORM THE OFFICE OF THE 2ND RESPONDENT FOR EXHIBIT P4.

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