

Jisha vs Sub Inspector of Police

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Court : Kerala

Decided On : Oct-01-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : WP(C)/24402/2019

Appellant : JISHA

Respondent : Sub Inspector of Police

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL FRIDAY,
THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 WP(C) NO.
24402 OF 2019 PETITIONER: JISHA AGED 34 YEARS W/O. LATE
ELDHOSE JOHN, PRESENTLY RESIDING AT KULANGARA HOUSE,
MANNOOR KARA, AIRAPURAM - 683 541. BY ADVS. P.THOMAS
GEEVERGHESE TONY THOMAS (INCHIPARAMBIL) RESPONDENTS:
1 SUB INSPECTOR OF POLICE KUNNATHUNADU POLICE STATION,
PATTIMATTOM - 683 562. 2 DISTRICT POLICE CHIEF 3 THE DEPUTY
POLICE SUPERINTENDENT, DISTRICT CRIME BRANCH, 4 STATE
POLICE CHIEF POLICE HEAD QUARTERS, 5 STATE OF KERALA,
REPRESENTED BY SECRETARY, HOME DEPARTMENT,

BY SRI. RENJITH T.R., SENIOR PUBLIC PROSECUTOR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C).No.24402 OF 2019 2

JUDGMENT

Petitioner is the defacto complainant in C.M.P. No.

preferred by her before the Judicial First Class Magistrate Court, Kolenchery, which was forwarded for registration of crime and investigation. Following the same, Crime No. 36/2019 of Kunnathunadu police station was registered alleging offence under Sections 120B, 143, 465, 467, 468 read with 149 of the Indian Penal Code. She is the widow of one Eldose John and the crime relates to the transfer of a Maruti Alto car bearing Registration No. KL-07-AZ-5648 and also missing of a Yamaha scooter bearing Registration No. KL-17-M 7484.

2. The grievance of the petitioner is that even though

the crime was registered as early on 14.01.2019, investigation is still at the initial stage; the accused are the mother-in-law and other relatives of the husband of the defacto complainant. She has moved this Court seeking a direction to handover investigation to an officer not below the rank of a Deputy Superintendent of Police. Now the Investigating Officer has filed a report stating the progress of investigation. But the

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learned counsel for the petitioner has submitted that considerable progress has not been reached in the matter of investigation and the officials are pressurizing the petitioner to settle the matter, for which she is not prepared. Anyhow, she has serious doubt with regard to the genuineness of the investigation and also the way in which the investigation is being conducted by the police. According to her, the car

is with the mother-in-law, it is not yet traced, that it was got transferred in her name by putting pre- date, with forged signatures of her deceased husband.

3. Having heard the learned counsel for the petitioner, I

think serious consideration of the allegations raised by the petitioner is warranted at higher levels. Therefore, investigation shall be monitored by the second respondent and he will see that investigation proceeds in an unbiased way and final report shall be filed within a period of three months from today. With this direction, the writ petition is closed. SD/-
K.HARIPAL JUDGE

DCS/05.10.2021 W.P.(C).No.24402 OF 2019 4 APPENDIX PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF DEATH CERTIFICATE OF ELDHOSE JOHN. EXHIBIT P2 TRUE COPY OF REGISTRATION DETAILS OF KL- 07/AZ 5648. EXHIBIT P3 TRUE COY OF THE WEBSITE DETAILS OF KL-07/AZ 5648 CAR STANDING IN NAME OF PRASANNAN MG. EXHIBIT P4 TRUE COPY OF FIR NO.36/2019 OF KUNNATHUNADU POLICE STATION. EXHIBIT P5 TRUE COPY OF THE WEBSITE DETAILS OF KL- 07/AZ 5648 CAR STANDING IN NAME OF SARAKUTTY JOHN.

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