

Latha J. vs State of Kerala

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Court : Kerala

Decided On : Oct-19-2020

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/20774/2020

Appellant : Latha J.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 19TH DAY OF OCTOBER 2020 / 27TH ASWINA, 1942
WP(C).No.20774 OF 2020(V) PETITIONER: LATHA.J AGED 49 D/O
JAGADAMMA, ATTARIKU PUTHUVAL PUTHEN VEEDU, SAMUDRA
BEACH, VELLAR, KOVALAM(P.O), THIRUVANANTHAPURAM-695527.
BY ADVS. SRI.K.RAJESH KANNAN SRI.P.C.VIJAYAKUMAR
RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY TO
HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695
001. 2 INSPECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM

RANGE, OFFICE OF THE INSPECTOR GENERAL OF POLICE, VANCHIYOOR.P.O, THIRUVANANTHAPURAM-695 035. 3 THE CITY POLICE COMMISSIONER OFFICE OF THE CITY POLICE COMMISSIONER, THYVAUD(P.O), THIRUVANANTHAPURAM-695 027. 4 STATION HOUSE OFFICER THIRUVALLOM POLICE STATION, THIRUVALLOM.P.O, THIRUVANANTHAPURAM-695 027. 5 T.SAJEEV KUMAR SUB INSPECTOR GRADE NO.118345, THIRUVALLOM POLICE STATION, THIRUVALLOM.P.O, THIRUVANANTHAPURAM-695 027. 6 SANAL @ CHELANTHI SANAL S/O MURUKKAN, PIPPARA COLONY, VAZHAMUTTOM, VAZHAMUTTOM (P.O), THIRUVANANTHAPURAM-695 027.

SRI.AMJAD ALI. SR.PP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 19th day of October 2020 This writ petition is filed under section 226 of the constitution of India. 2.The petitioner is the mother of the defacto complainant in Crime No. 1121/2020 of Thiruvallam Police Station. She approaches this Court with a prayer to issue appropriate direction to the 2nd and 3rd respondents to take appropriate action against the respondents 4 and 5 based on Exhibit P3 complaint. 3.The main grievance of the petitioner is that even though Crime No. 1121/2020 is registered by Thiruvallam Police station on 30.09.2020, the investigating officer is not properly conducting the investigation. Aggrieved by the same, the petitioner submitted Exhibit P3 complaint before the 2nd respondent. The 2nd respondent forwarded the same to the 3rd respondent. Even then there is no action from the 3rd respondent, the writ petition is filed by the petitioner with the following prayers:- 1. That a writ of mandamus or other writ, order or direction be passed directing the respondents 2 and 3 to take appropriate action against respondents 4 and 5 on the basis of Exhibit -P3 complaint submitted by the petitioner.

2. Grant such other and further reliefs, as that are appropriate and incidental to this Writ Petition.

4. Heard the counsel for the petitioner and

the Public Prosecutor. The Public Pros

accordance with law as expeditiously as possible.

5. The counsel for the petitioner is aggrieved by the same because according to the petitioner the present investigating officer is not investigating the case properly. I think this Writ Petition can be disposed of with a direction to the 3rd respondent

to look into the matter and if necessary, appoint a senior officer for conducting the investigation in this case. Therefore, this writ petition is disposed of with the following directions:-

1. The 2nd respondent will get the entire records

of crime No.1121/2020 of Thiruvallam Police Station immediately and peruse the same and find out whether there is any illegality or irregularity in the investigation so far conducted.

2. If the 2nd respondent found that the

investigation conducted by the present investigating officer is not proper, the 2nd respondent will appoint a senior police officer to conduct the investigation in crime No.1121/2020.

3. The second respondent will inform the petitioner about the result of the said exercise within one month from the date of receipt of a copy of this judgment. Sd/-
P.V.KUNHIKRISHNAN JUDGE jms

APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE O.P.TICKET DATED 13.09.2020 OF COMMUNITY HEALTH CENTRE, VIZHINJAM ISSUED TO PETITIONER'S SON. EXHIBIT P2

TRUE COPY OF THE F.I.R.NO.1121/2020 DATED 13.09.2020 OF THIRUVALLOM POLICE STATION. EXHIBIT P3 TRUE COPY OF THE COMPLAINT DATED 22.09.2020 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT. EXHIBIT P4 TRUE COPY OF THE MAIL DATED 23.09.2020 SENT BY THE POLICE DEPARTMENT TO THE PETITIONER.

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