

(2021) 01 KL CK 0398

In the High Court Of Kerala

Case No : Writ Petition (C) No. 28952 Of 2020

C.K. Saleekhath

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 18-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 323, 341, 354, 354(A)(1)(i), 354(B)

Citation : (2021) 01 KL CK 0398

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : P. Sanjay, A. Parvathi Menon, Biju Meenattoor, Paul Varghese, P.A. Mohammed Aslam, Kiran Narayanan, Prasoon Sunny, Rahul Raj P, Ajith Murali

Judgement

1. The writ petitioner is a lady aged 62 years. She has approached this Court seeking the following reliefs:

â??a) call for a report regarding the investigation conducted in Ext.P1 and Ext.P6 and peruse the same;

b) issue writ of mandamus directing the 2nd respondent to hand over the investigation in Crime No.130/2020 of Koduvally Police Station to a special

team consisting of senior police officers;

c) issue any other writ, direction or order which this Hon'ble Court deems fit in the facts and circumstances of this caseâ??

2. In crime No.130 of 2020 of Koduvally Police Station this petitioner is the defacto complainant. The offences alleged against the 7th respondent,

who is aged 84 years are under Sections 341, 323, 354, 354A(1)(i), 354B of the Indian Penal Code.

3. The main grievance projected by the defacto complainant is that though she complained about the incident in which the 7th respondent had caused

injuries to her in his attack with the intention to outrage her modesty, no case was registered immediately by the police and she is very much aggrieved

about the inaction of the police to proceed with the complaint filed by her.

4. On receipt of notice the learned Government pleader filed a report regarding the investigation conducted by the Investigating Agency in this crime

and it has been reported in detail regarding the investigation conducted by respondents 5 and 6 about the alleged incident and it is revealed that a false

complaint has been registered against the accused in the case. Of course it is reported that there was some clash between two groups in that locality

but the allegations levelled against the accused/7th respondent are false and hence an appropriate report has been submitted before the court

concerned by the Investigating Agency after a thorough investigation on the complaint by the defacto complainant.

5. Since this case has been referred by the police after investigation the report submitted by the learned Government Pleader is accepted and the writ

petition is closed with liberty to the petitioner to proceed against the accused/7th respondent in the crime, if so advised. It is also made clear that, if

aggrieved, the petitioner is at liberty to challenge all the contentions, materials and informations supplied in the report by the learned Government

Pleader, before the proper forum.