

(2012) 07 KL CK 0094
In the High Court Of Kerala
Case No : WP (C) . No. 12350 of 2012 (P)

Poulose

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 19-07-2012

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2012) 07 KL CK 0094

Hon'ble Judges : S.S. Satheesachandran, J

Bench : Single Bench

Advocate : M.N. Mathew, for the Appellant; M.G. Lisha, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

S.S. Satheesachandran, J.—Petitioner was employed as a Vehicle Supervisor in a corporation, namely, Kerala State Road Transport Corporation, for short the "KSRTC". He had some transactions with a colleague, the 6th respondent. He was a victim of fraud perpetrated by the 6th respondent, is his case. He has filed complaints before the Government, higher authorities of his department and also to the Police. There was no proper enquiry or investigation on the complaints raised by him against the 6th respondent is the crux of the allegations raised in the present writ petition to seek the exercise of extraordinary jurisdiction of this court for the relief's canvassed of. The present petition was filed by the party in person. After going through the petition as it was seen that very many allegations set out and also the relief's canvassed are totally confusing and contradictory, petitioner was asked whether he required the assistance of a counsel from the Legal Service Authority to prosecute his petition. He desired to have such appointment. There upon he was directed to apply before the Legal Service Authority to have the assistance of a counsel, and, pursuant thereto Advocate Sri. M.N. Mathew, had been appointed by the Legal Service Authority to prosecute the petition. The learned counsel appointed, as indicated above, fairly

submitted that the relief's set out in the petition as such do not fall within the ambit covered by writ jurisdiction. In respect of the disputes which the petitioner have with the 6th respondent, admittedly, civil cases are pending before the competent court of civil jurisdiction. There are also criminal cases before the competent court of criminal jurisdiction. Grievance of the petitioner as could be noticed from the petition and also from the submissions made by the learned counsel would indicate that his complaints have not been properly examined, enquired into and investigated by the police. If that be so, then, the remedy of the petitioner is not to seek intervention of this court by exercise of its inherent jurisdiction u/s 482 of the Code of Criminal Procedure or under Article 226 of the Constitution, but to approach the Magistrate having jurisdiction as spelt out in *Sakiri Vasu V. State of U.P.* 2008 (1) KLT 724 (SC). Extraordinary jurisdiction of this court or the inherent jurisdiction should not be resorted to when the party has an alternative efficacious remedy is the view expressed in the aforesaid decision. Though the learned counsel for the petitioner referred to Ext. P14 communication sent by the Government to impress upon that the petitioner has some genuine grievance to be looked upon by the police, and that too by issuing of appropriate direction in that regard by this court to do so, I find in the given nature of allegations raised and relief's canvassed in the petition, and taking note that civil and criminal proceedings are pending between the petitioner and the 6th respondent, it may not be proper to issue any direction as canvassed for. Petition is closed without prejudice to the right of the petitioner to seek for appropriate relief's in accordance with law, if so entitled to.