

Kerala High Court

K.P.Akilesan vs The Station House Officer on 20 January, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 32 of 2010()

1. K.P.AKILESAN,S/O.VELAYUDHAN,  
... Petitioner

Vs

1. THE STATION HOUSE OFFICER,KANNUR CITY  
... Respondent

2. THE STATION HOUSE OFFICER,VALAVATTANAM

3. THE SUPERINTENDENT OF POLICE,

For Petitioner :SRI.C.P.PEETHAMBARAN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice M.SASIDHARAN NAMBIAR

Dated :20/01/2010

O R D E R

M.SASIDHARAN NAMBIAR, J.

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CRL.M.C.No. 32 OF 2010

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Dated this the 20th day of January,2010

ORDER

Petitioner is the father of deceased Helna who committed suicide by jumping in front of a running train on 1.3.2009 alleging that her husband and in-laws committed offences under section 498A of Indian Penal Code. Deceased Helna had filed Annexure A1 complaint before Judicial First Class Magistrate, Kannur on 30.7.2008. It was sent for investigation. Under Annexure A2 F.I.R Crime No.641/2008 was registered. After investigation a final report was filed on 30.10.2008 against the

accused alleging that they committed the offence under section 498A read with section 34 of Indian Penal Code. It was taken cognizance by the learned Magistrate as C.C.540/2008. It is later she committed suicide. Annexure A3 F.I.R was registered on 1.3.2009 in Crime No.36/2009 under the caption unnatural death (Annexure 3 shows that the offence recorded is 306 IPC which may not be correct as in that case the F.I.R could only be forwarded to Judicial First Class Magistrate and not to the Sub Divisional Magistrate as seen in Annexure3). Petitioner thereafter filed Annexure A5 complaint before the Sub Inspector of Police, Valapattanam alleging that her husband, mother-in-law, sister-in-law and brother-in-law are responsible for her death and therefore a proper investigation is to be conducted. The complaint is dated 3.3.2009. On 26.7.2009 Annexure A6 complaint was filed before the Superintendent of Police, Kannur District alleging that inspite of Annexure A5 , no proper investigation was conducted and praying for taking appropriate action for proper investigation. This petition is filed under section 482 of Code of Criminal Procedure for a direction to the respondents to conduct further investigation in Crime 641/2008 by clubbing the incident of suicide along with the final report already submitted.

2. Learned counsel appearing for the petitioner and learned Public Prosecutor were heard.

3. Annexure A1 complaint itself shows that deceased Helna was not residing with the husband or her in-laws subsequent to 30.7.2008. Helna committed suicide only on 1.3.2009. Even the final report in Crime 641/2008 was filed on 7.11.2008 much prior to the date of suicide. Therefore there cannot be a direction to club the investigation in respect of the suicide committed with a case in which investigation was completed and final report was also submitted.

4. Though learned counsel appearing for the petitioners argued that an offence under section 306 of Indian Penal Code is attracted, in any event that case cannot be clubbed with the case which has already been investigated and a final report was filed six months prior to the date of commission of suicide.

5. Learned Public Prosecutor submitted that the case is being investigated on Annexure A3 F.I.R. In such circumstances, petition is disposed directing the Superintendent of Police to direct the Investigating Officer to consider the submissions in Annexure A6 complaint also while investigating the case.

M.SASIDHARAN NAMBIAR JUDGE tp1/-

M.SASIDHARAN NAMBIAR, J.

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W.P.(C).NO. /06

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JUDGMENT SEPTEMBER,2006