

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 23RD DAY OF FEBRUARY 2023 / 4TH PHALGUNA, 1944

WP(CRL.) NO. 188 OF 2023

PETITIONER :

VINEETHA N. MENON,
AGED 44 YEARS,
D/O NARENDRANATH, RAMANILAYAM (POLLAYIL),
CHERTHALA MUNICIPALITY, WARD16,
MARUTHORVATTOM P.O, KOKKOTHAMANGALAM VILLAGE,
MARUTHORVATTOMMURI, CHERTALA TALUK,
ALAPPUZHA DISTRICT, PIN - 688 539

BY ADVS.
V.MAHENDRANATH
P.T.SHEEJISH

RESPONDENTS :

- 1 THE SUPERINTENDENT OF POLICE,
CCSB ROAD, CIVIL STATION WARD,
ALAPPUZHA DISTRICT, PIN - 688 012
- 2 STATION HOUSE OFFICER,
POLICE STATION, MUHAMMA,
ALAPPUZHA DISTRICT, PIN - 688 525
- 3 ASHAKUMARI R.,
W/O C.B. BABU, SREEBHAVANAM HOUSE,
PANAYAM NORTH, PANAYAM, KOLLAM DISTRICT,
PIN - 691 601

BY SMT.SEETHA S., PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 23.02.2023, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

BECHU KURIAN THOMAS, J.

W.P.(Crl.) No.188 of 2023

Dated this the 23rd day of February, 2023

JUDGMENT

Petitioner seeks for a direction to respondents 1 and 2 to consider Ext.P4 complaint and to conduct a proper investigation within a time frame.

2. Ext.P4 is the complaint purported to have been sent by post on 12.01.2023 to the Circle Inspector, Muhamma. If the police has not acted upon the said complaint, petitioner can avail of the remedies available under the Code of Criminal Procedure, 1973. Without resorting to such a remedy, approaching this Court under Article 226 of the Constitution of India is not appropriate.

3. As observed by the Supreme Court in ***Sakiri Vasu v. State of UP and Others [(2008) 2 SCC 409]***, the practice of approaching the court under Article 226 or under Section 482 Cr.P.C. when remedies are available under the Code of Criminal Procedure, 1973 ought to be discouraged.

Having regard to the aforesaid circumstances, I find no reason

to exercise the jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, I dismiss this writ petition.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF WP(CRL.) 188/2023

PETITIONER'S EXHIBITS :

ExhibitP1	THE TRUE COPY OF THE CONSENT LETTER WHICH IS FALSELY MADE BY THE 3RD RESPONDENT IN THE NAME OF THE PETITIONER TO THE THANNEERMUKKAM GRAMA PANCHAYATH DATED ON 29.06.2022
Exhibit P2	THE TRUE COPY OF THE LETTER GIVEN BY THANNEERMUKKAM GRAMA PANCHAYATH TO PETITIONER DATED ON 11.07.2022
ExhibitP3	THE TRUE COPY OF THE REPLY LETTER SUBMITTED BY THE PETITIONER TO THE THANNEERMUKKAM GRAMA PANCHAYATH DATED 14.07.2022
Exhibit P4	THE TRUE COPY OF THE COMPLAINT GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT DATED 12.01.2023