



2025:KER:20492

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

MONDAY, THE 10TH DAY OF MARCH 2025 / 19TH PHALGUNA, 1946

WP(CRL.) NO. 279 OF 2021

PETITIONER:

KALLYANI, AGED 51 YEARS, W/O. M. C. RAMAN,
RAM NIVAS, MOYALAM, SARKARI, P. O. THAYANNUR,
VELLARIKUNDU, KASARAGOD DISTRICT.

BY ADV C.K.SREEJITH

RESPONDENTS:

- 1 THE DISTRICT POLICE CHIEF
POLICE HEAD QUARTERS, KASARAGOD - 671123.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE
KASARAGOD - 671123.
- 3 THE SUB INSPECTOR OF POLICE, AMBALATHARA
POLICE STATION, KASARAGOD DISTRICT - 671316.
- 4 BIJU PAULOSE, S/O. PAULOSE, BAPPUNKAYAM,
PANATHUR P. O., RAJAPURAM, KASARAGOD - 671532.
- 5 AELIAMMA, W/O. PAULOSE, BAPPUNKAYAM, PANATHUR
P. O., RAJAPURAM, KASARAGOD - 671532.
- *6 THE SUPERINTENDENT OF POLICE, CENTRAL BUREAU
OF INVESTIGATION , KATRIKADAVU, KALOOR,
ERNAKULAM -682017
(IS IMPEADED AS ADDL.R6 AS PER ORDER DATED
12/10/2023 IN IA 1/2023 IN WP(CRL.) 279/2021(S))



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BY ADVS.
BIJU ANTONY ALOOR
SREELAL N.WARRIER - SPL.PUBLIC PROSECUTOR,
CENTRAL BUREAU OF INVESTIGATION (CBI)
K.P.PRASANTH
SHAFIN AHAMMED
ARCHANA SURESH
VIJAYAN M.K.
P.M.SHAMEER - G.P.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 10.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

Devan Ramachandran, J.

We had passed the following order on 09.12.2024, which is self explanatory and which was virtually with the consent of both sides:

Read order dated 21.11.2024.

The report of the Deputy Superintendent of Police who is the investigating officer is before us and it really throws up very distressing situations and scenario. We choose not to say anything further because the matter is still under investigation.

2. Sri.B.A.Aloor – learned counsel appearing for respondents 4 and 5 submitted that his clients have been unnecessarily harassed and that they have no information as to the alleged detainee. He accused the investigating officers for harassing his clients and of acting on a premeditated intent of implicating them in a horrendous crime, which they have never committed and of no information.

3. We, therefore, asked Sri.B.A.Aloor whether his clients will stand in the way of us handing over the investigation to the State Crime Branch, taking into account the rather difficult situation of alleged detainee, who is only 19 years old, being still missing. He welcomed it, saying that his clients are not fearful of any legitimate and genuine investigation.

4. Sri.C.K.Sreejith – learned counsel for the petitioner, also prayed that the investigation be handed over to a team of officers led by one who is not below the rank of Inspector General of Police.

5. Though we are aware that the petitioner seeks an investigation by the Central Bureau of



Investigation, we are of the view that the time for it may not have come yet, because we are certain that the State Crime Branch can investigate effectively.

In the afore circumstances, with the consent of both sides and as suggested by the learned Government Pleader - Sri.P.M.Shameer, we direct that the investigation of the Crime be handed over to the State Crime Branch; with a concomitant direction to its Head to constitute a team of officers not below the rank of Inspector General of Police to commence investigation and file a report before this Court within three months. Necessary steps in this regard shall be taken forthwith and without any avoidable delay.

Post this case after three months.

2. The learned Government Pleader today submitted that the Special Investigation Team, constituted by the Additional Deputy General of Police (Crime Branch), has already started the investigation; but conceded that no headway has yet been obtained. He, however, prayed for a few more week's time to report to this Court.

3. We notice that the petitioner has filed I.A.No.1/2023, seeking an investigation by the Central Bureau of Investigation.

4. However, since we have passed the afore extracted order only on 09.12.2024, we are of the view that we should



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allow the Crime Branch to investigate, before we can take a final decision on the application of the petitioner mentioned above.

In the afore circumstances, we close this Writ Petition, confirming our order dated 09.12.2024; however, directing the head of the Special Investigation Team (Crime Branch) to place on record their first Action Taken Report, which shall be done not later than 09.04.2025.

On the said Report being filed, this matter shall be listed for further orders; and we clarify that I.A.No.1/2023 is not disposed of until we consider it in the perspective of the afore Report at the appropriate time.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

M.B. SNEHALATHA

JUDGE

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APPENDIX OF WP(CRL.) 279/2021

PETITIONER EXHIBITS

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| Exhibit P1 | THE TRUE COPY OF THE FIR IN CRIME
NO.44/2011 BEFORE AMBALATHARA POLICE
STATION. |
| Exhibit P2 | THE TRUE COPY OF THE COMPLAINT BEFORE
DEPUTY SUPERINTENDENT OF POLICE FILED BY
THE PETITIONER'S HUSBAND SRI RAMAN DATED
19.01.2011. |
| Exhibit P3 | THE TRUE COPY OF THE CRIME MEMO PREPARED
BY THE AMBALATHARA POLICE. |
| Exhibit P4 | THE TRUE COPY OF THE COMPLAINT FILED BY
THE PETITIONER'S HUSBAND BEFORE THE
CHIEF MINISTER OF KERALA DATED
13.12.2011. |
| Exhibit P5 | THE TRUE COPY OF THE NOTICE FOR PROTEST
BEFORE THE CIVIL STATION, KASARAGOD
WHICH WAS SCHEDULED ON 29.09.2021. |
| Exhibit P6 | THE TRUE COPY OF THE COMPLAINT FILED
BEFORE THE DGP DATED 24.06.2021. |