

W.P.(Crl.) No. 1169 of 2024

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2025:KER:18219

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 4TH DAY OF MARCH 2025 / 13TH PHALGUNA, 1946

WP(CRL.) NO. 1169 OF 2024

CRIME NO.626/2017 OF CHERUTHURUTHY POLICE STATION, THRISSUR

PETITIONER:

T. SANTHAKUMARI
AGED 66 YEARS, W/O K.RAMANKUTTY,
GIREESH VIHAR, CHERPULASSERY,
PALAKKAD, KERALA,, PIN - 680001

BY ADV M.SHAJNA

RESPONDENTS:

- 1 STATE POLICE CHIEF
POLICE HEAD QUARTERS,
THRISSUR., PIN - 695001
- 2 DEPUTY INSPECTOR GENERAL OF POLICE
THRISSUR RANGE, OFFICE OF THE D.I.G OF POLICE,
THRISSUR., PIN - 680003
- 3 SUPERINTENDENT OF POLICE
AYYANTHOLE, THRISSUR,
(KALYAN NAGAR)., PIN - 680003
- 4 STATION HOUSE OFFICER
CHERUTHURUTHY, POLICE STATION,
THRISSUR DISTRICT., PIN - 679531

BY ADV ADVOCATE GENERAL OFFICE KERALA
SREEJA V., SR. PP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 04.03.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



J U D G M E N T

The petitioner is the mother of one Gireesh aged 39 years, who died due to drowning in the Asurankundu Dam near Cheruthuruthy in Thrissur District on 17/10/2017. The police registered a crime under Section 174 of Cr.P.C. in connection with the incident. After investigation, the police filed final report stating that the death was due to accidental drowning. The incident happened when the deceased along with his two friends namely Shaji Cherupulassery and Kareem Venghara went to the Asurankundu Dam. The petitioner entertained a suspicion that it was a homicidal death at the hands of the above mentioned friends of the deceased. Hence, the petitioner gave Ext.P7 complaint before the Superintendent of Police, Thrissur requesting a proper investigation. The writ petition has been filed to give a direction to the respondent No.3 to consider Ext.P7 and to order further investigation.

2. I have heard Smt.M.Shajna, the learned counsel for the petitioner and Smt.V.Sreeja, the learned Senior Public



Prosecutor.

3. The respondent No.4, the investigating officer, has filed a detailed statement.

4. The crime was registered on the basis of the complaint given by one Jayaprakash, who is the cousin brother of deceased Gireesh alleging that the deceased along with his friends Shaji and Kareem went to Asurankundu Dam on 16/10/2017 at 5.00 p.m. and went missing. Later, his dead body was recovered from the dam on the next day with the help of fire force. The postmortem examination was conducted by the Assistant Professor, Forensic Medicines and Assistant Police Surgeon, Government Medical College, Thrissur. Prior to the postmortem, inquest of the body was conducted. During the time of inquest, nobody raised any suspicion regarding the death of the deceased. During postmortem, blood, viscera, bone marrow and sample of water were preserved and sent for chemical analysis. Ext.P4 is the postmortem certificate and Ext.P5 is the chemical examiner's laboratory report. No injuries



were noted in the body of the deceased in the postmortem certificate. The reason for death was due to drowning. There is nothing to suggest in the postmortem certificate that any force was applied to the deceased.

5. During the investigation, the friends of the deceased, Shaji and Kareem were thoroughly questioned. They were also subjected to polygraph test. The examination of CDR details of both of them was also conducted through Cyber Cell. But, nothing could be revealed to suspect their involvement in the incident. The chemical analysis report revealed that the deceased had consumed alcohol. During the investigation, the statement of the witnesses including the Doctor who conducted the postmortem were recorded. Since there were some discrepancies in the statement given by Shaji and Kareem, they were subjected to polygraph test. The learned Senior Public Prosecutor made available to me a copy of the polygraph examination result. In the polygraph test result, it is stated that the analysis and evaluation of polygram



do not reveal deceptive responses on the questions given to both Shaji and Kareem which indicates that they are truthful in their answers. It was further concluded that no significant inference could be drawn on the basis of polygraph examination. It was revealed in the postmortem examination and diatom test result that during the time of the accident, the deceased was intoxicated and the presence of diatom was detected in bone marrow and water sample. Ethyl alcohol was detected in stomach and part of intestine, liver and kidneys and in blood 100 ml/112 mg.

All these factors clearly suggest that it is a case of accidental drowning. In other words, there is nothing to suggest that this is a case of homicidal death. Therefore, I see no reason to order further investigation. Accordingly, the writ petition is dismissed.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE



APPENDIX OF WP (CRL.) 1169/2024

PETITIONER EXHIBITS

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| EXHIBIT P1 | TRUE COPY OF THE FIR IN CRIME NO.626 /2017 OF
CHERUTHURUTHI POLICE STATION |
| EXHIBIT P2 | TRUE COPY OF THE FINAL REPORT IN CRIME NO.
626/2017 OF CHERUTHURUTHI POLICE STATION
RECEIVED BY THE PETITIONER UNDER RIGHT TO
INFORMATION ACT ALONG WITH THE REPLY LETTER
DATED 05/06/2024 |
| EXHIBIT P3 | TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER DATED 13/01/2018 BEFORE THE HON'BLE
CHIEF MINISTER, KERALA |
| EXHIBIT P4 | TRUE COPY OF THE POST MORTEM CERTIFICATE DATED
17.10.2017 OF PETITIONER'S SON GIREESH |
| EXHIBIT P5 | TRUE COPY OF THE CHEMICAL ANALYSIS REPORT DATED
07/06/2018 ISSUED BY FROM THE OFFICE OF THE
JOINT CHEMICAL EXAMINER |
| EXHIBIT P6 | TRUE COPY OF THE REPORT DATED 23.12.2023
SUBMITTED BY THE FOURTH RESPONDENT BEFORE THE
SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY
THRISSUR |
| EXHIBIT P7 | TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER BEFORE THE THIRD RESPONDENT DATED
05.08.2024 |
| EXHIBIT P8 | TRUE COPY OF THE RECEIPT DATED 05.08.2024
SHOWING THE RECEIPT OF COMPLAINT |