
(2022) 06 KL CK 0155

High Court Of Kerala

Case No: Original Petition (CRL.) No. 529 Of 2021

Chinnu Darwin

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: June 15, 2022

Acts Referred:

- Constitution of India, 1950 - Article 227
- Code of Criminal Procedure, 1973 - Section 156(3), 190
- Indian Penal Code, 1860 - Section 34, 379, 406

Hon'ble Judges: Dr Kauser Edappagath, J

Bench: Single Bench

Advocate: N.J.Mathews, V.S.Babu Gireesan, Sangeetha Raj

Final Decision: Dismissed

Judgement

Dr Kauser Edappagath, J

1. This original petition has been filed to quash Ext.P11 order passed by the Judicial First Class Magistrate Court, Kakkanad. (for short, the court below)

2. The petitioner is the de facto complainant and the 3rd and 4th respondents are the accused in Crime No.1384/2021 of Info Park Police Station.

The petitioner is the wife of the 3rd respondent. The 4th respondent is the mother of the 3rd respondent. The petitioner filed a private complaint against

the 3rd and 4th respondents as CMP No. 1774/2021 at the court below. The court below forwarded the said complaint to the 2nd respondent and

the above crime was registered. The 3rd and 4th respondents are alleged to have committed the offence punishable under Sections 406 and 379 r/w

34 of IPC.

3. The case of the prosecution in short is that on 7/11/2021, in between 3.00 p.m. and 7.00 p.m, the 3rd and 4th respondents committed theft of 20

sovereigns of gold ornaments and other household utensils belonging to the petitioner which were kept in a flat at Kakkanad where the 3rd respondent

and the petitioner were residing. Since the petitioner was dissatisfied with the investigation, she filed Ext.P9 petition at the court below u/s 156(3) of

Cr.P.C. to monitor and supervise the investigation by the court below. The court below after hearing both sides dismissed the petition as per Ext.P11.

The said order is under challenge in this original petition.

4. I have heard Sri.V.S.Babu Gireesan as well as Sri.Sangeetha Raj, the learned Public Prosecutor.

5. The court below called for a report from the investigating officer. The report shows that the investigation is at a preliminary stage. The report would

further show that as part of the investigation, the statement of the petitioner as well as the other witnesses were taken. The investigating officer has

also verified the CCTV footage at the flat of the petitioner and the 3rd respondent. The investigating officer reported that after investigation of CCTV

footage, it was found that the petitioner, and 3rd respondent along with others entered into the flat on different times. It is further stated that to prove

the allegations of the petitioner, some more witnesses are to be examined. The investigating officer has also reported that even though a direction was

given to the petitioner to produce the documents to prove the ownership and possession of the goods allegedly stolen away by the 3rd and 4th

respondents, she could not produce the same so far. The 3rd and 4th respondents were granted anticipatory bail by this court. The learned Public

Prosecutor submitted that the investigation is going on in the right direction. The petitioner cannot as a matter of right ask the court to monitor and

supervise the investigation. There is nothing on record to show that there is wilful laches on the part of the investigating agency. On the other hand,

records show that proper investigation is going on. I find no reason to interfere with the impugned order under the exercise of the jurisdiction vested

with this court under Article 227 of the Constitution of India. Accordingly, original petition is dismissed.