



2026:KER:10171

WP(C)No.36543 of 2018

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

THURSDAY, THE 5<sup>TH</sup> DAY OF FEBRUARY 2026 / 16TH MAGHA, 1947

WP(C) NO. 36543 OF 2018

PETITIONER :

V.V RAJESH,  
AGED 45 YEARS  
VALAKKUMANTHARA HOUSE, EZHUPUNNA P.O., CHERTHALA,  
ALEPPEY DISTRICT.

BY ADV SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:

- 1 THE DISTRICT POLICE COMPLAINT AUTHORITY,  
ALAPPUZHA - 688 001.
- 2 THE DISTRICT POLICE CHIEF  
ALLEPPEY-688 001.
- 3 S.S.BAIJU,  
FORMER SUB INSPECTOR OF POLICE, AROOR, NOW AT HARIPAD  
POLICE STATION-690514. (CORRECTED) (THE ADDRESS OF THE  
R3 IS CORRECTED AS 'S.S. BAIJU, WORKING AS POLICE  
INSPECTOR, MARINE ENFORCEMENT UNIT, NEENDAKARA' AS PER  
THE ORDER DATED 29/07/2019 IN IA 01/2019)
- 4 CHANDRAN PILLAI,  
ASI (RETIRED), AROOR POLICE STATION-688534, ALLEPPEY  
DISTRICT.

BY ADVS. SRI.B.MOHANLAL  
SMT.K.S.SANTHI  
SRI.GIBI.C.GEORGE



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**OTHER PRESENT:**

R1 AND 2 - SMT.MABLE C KURIAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
05.02.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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C.R.

**P.M. MANOJ, J**

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WP(C) No. 36543 of 2018  
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Dated this the 5<sup>th</sup> day of February, 2026

### **JUDGMENT**

The petitioner has filed this writ petition challenging the order (Ext.P3) issued by the District Police Complaints Authority, Alappuzha, in Complaint No. 54/2013.

2. The petitioner alleges that while he was employed in a private firm at Ernakulam and residing at Ezhupunna, two police constables arrived at his residence on September 5, 2013, and directed him to report to the Sub-Inspector of the Aroor Police Station. Accordingly, on September 7, 2013, the petitioner, accompanied by his mother and sisters, reported at the station. Upon arrival, the 3rd respondent called the petitioner into a room and physically assaulted him, slapped him on the left side of his face while reviling at him on the allegations that the petitioner had destroyed gold ornaments and treated his wife with cruelty. Subsequently, the petitioner was moved to another room where ten constables, including female officers, were present. He was further



manhandled and eventually coerced into executing an agreement to transfer two cents of land to his wife.

3. The petitioner further contends that he was not informed of the sum and substance of the complaint allegedly lodged against him by his wife. He later learned that a false complaint had been filed, alleging misappropriation and misuse of money and gold ornaments given to her as gifts. On the basis of this complaint, the petitioner was beaten by the 4<sup>th</sup> respondent and coerced into executing the aforementioned agreement. Furthermore, the physical torture resulted in a hearing deficiency and other complications in his left ear. In light of these circumstances, the petitioner approached senior police officials seeking action and registration of a crime against the erring officers. Subsequently, he preferred a complaint before the District Police Complaints Authority (hereinafter referred to as "the complaints authority"), Alappuzha, which was numbered as Complaint No. 54 of 2013.

4. Acting on this complaint, an inquiry was directed to be conducted by the District Police Chief through the DySP, Cherthala. However, it is alleged that a false report was submitted to the 1<sup>st</sup>



respondent with the intent of protecting subordinate officers. Although the 3<sup>rd</sup> respondent entered an appearance and denied the allegations, and the petitioner produced evidence (marked as Ext.P2) during the proceedings, the 1<sup>st</sup> respondent dismissed the complaint on untenable grounds without considering the actual facts of the case.

5. Consequently, this writ petition is preferred to set aside the said order and to direct a fresh consideration of the complaint on its merits in accordance with the law. The petitioner further seeks the registration of a criminal case against respondents 3 and 4 for custodial torture, as well as adequate compensation for the injuries and mental harassment sustained on 07.09.2013.

6. Although this petition has been pending before this Court since 2018, none of the contesting respondents has filed a counter-affidavit, despite having been served with notice. Consequently, it may be inferred that they have no submissions to make in rebuttal. However, the learned counsel appearing for the 3<sup>rd</sup> respondent submitted that the allegations of manhandling are directed solely against the 4<sup>th</sup> respondent and not the 3<sup>rd</sup> respondent, a fact which



was also noted by the Complaints Authority in the impugned order. Furthermore, the learned Government Pleader submitted that the petitioner failed to produce any valid documentation or medical evidence to substantiate the claim that he sustained physical injuries.

7. I have heard Sri.Anilkumar M. Sivaraman for the petitioner, Smt.Mable C Kurian learned Government Pleader for 1<sup>st</sup> respondent and Sri.Mohanlal for respondent No.3 and Smt.Santhi for respondent No.4.

8. The primary question for consideration is the propriety and legality of the order passed by the District Police Complaints Authority, Alappuzha, a quasi-judicial body. Section 110 of the Kerala Police Act, 2011 (for short 'the Act, 2011') mandates the constitution of Police Complaints Authorities. Specifically, Section 110(3) provides for the establishment of an authority at the district level to examine and inquire into complaints against police officers up to the rank of Deputy Superintendent of Police. Furthermore, Section 110(7) stipulates that the Authority, while conducting inquiries, shall be vested with all the powers of a Civil Court trying a



suit under the Code of Civil Procedure (CPC). Section 110(1)(ii) defines its jurisdiction over "grave complaints" against officers, including instances of sexual harassment of women in custody, custodial death, rape, or the infliction of grievous hurt. Finally, Section 110(9) mandates that all concerned officers are bound to implement the recommendations of the Authority regarding the initiation of departmental inquiries or the registration of criminal cases against erring police officers.

9. In exercising its jurisdiction under the aforementioned provisions, the District Authority initially forwarded the complaint to the District Police Chief for an inquiry and report. The DYSP, Cherthala, subsequently conducted an inquiry and submitted a report stating that the petitioner's wife had lodged a complaint at the Aroor Police Station, alleging cruelty and the misappropriation of her gold ornaments by the petitioner and his family. Consequently, on the direction of the 3<sup>rd</sup> respondent, the petitioner and his family reported at the station, where they were informed of Complaint No. 423/2013. Following deliberations, the petitioner's mother executed a document agreeing to transfer two cents of land to his wife, on the



condition that the couple would construct a residence there. However, the DySP reported that this agreement was not honoured, suggesting that the petitioner filed the present complaint before the Authority merely out of apprehension of police action.

10. Subsequently, the District Police Chief directed the DYSP, Special Branch, to conduct a further inquiry based on the petitioner's complaint. This report noted that the wife's complaint of cruelty had been forwarded by the JFCM-II, Cherthala, under Section 156(3) of the Cr.P.C., resulting in the registration of Crime No. 1238/2013 under Sections 498A and 324 of the IPC.

11. Crucially, as per the report dated 13.02.2018 (Ext.P4), the DySP noted that Crime No. 1238/2013 had already been quashed by this Court following a joint petition by the petitioner and his wife. It is further observed that when the District Police Chief directed the DySP, Cherthala, to conduct a fresh inquiry as per the Authority's instructions, the then DySP, instead of conducting a de novo inquiry, simply relied on a stale report dated 18.08.2014, which was resubmitted on 10.12.2015.



12. By that time, Crime No. 1238 of Aroor Police Station was no longer in existence, having been quashed on 20.01.2015. Despite this fact being explicitly mentioned in the Special Branch report (Ext.P4) dated 13.02.2018, well before the impugned order was passed on 07.06.2018, the Authority failed to take note of this material change in circumstances.

13. The Authority's finding regarding its jurisdiction over a retired employee, specifically the 4th respondent, who retired on January 31, 2016, is based on a flawed interpretation of the law. Section 110(9) of the Kerala Police Act grants the Authority ample power to conduct inquiries and recommend the initiation of departmental proceedings or the registration of criminal cases against police officers.

14. Instead of conducting a proper inquiry and recommending the registration of a crime, the Authority relied on Rules 2 and 6 of the Kerala Police Departmental Inquiries, Punishment, and Appeal Rules, 1958, and the decision in **Balachandran Pillai v. State of Kerala** [1994 (1) KLT 258] to claim it lacked jurisdiction over retired personnel. This is a legal error. **While those provisions govern**



**departmental inquiries for serving personnel, they do not preclude the Authority from directing the registration of a criminal case for custodial torture or the infliction of grievous hurt under Section 110(1)(ii) of the Act.** Furthermore, this Court clarified in **Gopakumar K.S. and Another v. State Police Complaints Authority and Others** [2019 (3) KLT 22] that "grievous hurt" includes serious mental injury.

15. The Authority also exonerated the 3rd respondent on the grounds that the petitioner's primary allegations were directed at the 4th respondent. While the petitioner does not press significant claims against the 3rd respondent, the specific complaint remains that the 4th respondent—in blatant violation of the DGP's circulars prohibiting police interference in civil disputes—coerced the execution of a land transfer agreement.

16. The Authority dismissed this grave allegation by taking it lightly, citing the wife's complaint under Section 498A. In doing so, it completely ignored the fact, as stated in Ext.P4, that Crime No. 1283/2013 had been quashed by this Court on January 20, 2015. The Authority's haste in closing the case constitutes a manifest error.



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17. Consequently, the impugned order (Ext.P3) dated 07.06.2018, is liable to be set aside. The Authority is directed to conduct a detailed de novo inquiry based on the evidence produced (Ext.P2) and pass appropriate orders, particularly regarding the 4th respondent's violation of official circulars and the alleged physical assault. If the allegations are found true, the Authority shall exercise its power under Section 110(9) of the Act, 2011, to recommend the registration of a criminal case against the 4<sup>th</sup> respondent.

With the above directions, the Writ Petition is disposed of.

Sd/-

**P.M.MANOJ  
JUDGE**

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APPENDIX OF WP(C) NO. 36543 OF 2018

PETITIONER'S EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE DISTRICT POLICE COMPLAINT AUTHORITY, ALAPPUZHA.
- EXHIBIT P2 TRUE COPY OF THE LIST OF DOCUMENTS IN COMPLAINT No. 54/2013 FILED BY THE PETITIONER BEFORE THE IST RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE ORDER DATED 7.6.2018 PASSED BY THE IST RESPONDENT IN COMPLAINT NO.54/2013.
- EXHIBIT P4 TRUE COPY OF THE ENQUIRY REPORT DATED 13.2.2018 BY THE DY.S.P. CHERTHALA.