

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 23<sup>RD</sup> DAY OF JUNE 2022 / 2ND ASHADHA, 1944

WP(CRL.) NO. 419 OF 2021

PETITIONER:

ABY THOMAS,  
AGED 45 YEARS,  
S/O.A.V.THOMAS, ARANGATH HOUSE, PROPRIETOR  
ARANGATH INDUSTRIES, ARUMANNOOR P.O.,  
KOTTAYAM DISTRICT, PIN - 686 564.

BY ADVS.  
ARUN MATHEW VADAKKAN  
DON PAUL

RESPONDENTS:

- 1 THE DIRECTOR GENERAL OF POLICE,  
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM, PIN -  
695 010.
- 2 DISTRICT POLICE CHIEF,  
DISTRICT POLICE HEAD QUARTERS,  
KOTTAYAM DISTRICT, PIN - 686 602.
- 3 THE STATION HOUSE OFFICER,  
KADUTHURUTHY POLICE STATION,  
KOTTAYAM DISTRICT, PIN - 686 604.
- 4 FILPKART INTERNET PVT.LTD.,  
REPRESENTED BY ITS MANAGING DIRECTOR, BUILDINGS,  
ALYSSA, BEGONIA & CLOVE, EMBASSY TECH VILLAGE,  
OUTER RING ROAD, DEVARABEESANAHALLI VILLAGE,  
BENGULURU, PIN - 560 103.

5        *TECH-CONNECT RETAIL PVT.LTD.*  
*REPRESENTED BY ITS WHOLE-TIME DIRECTOR, 703-704,*  
*7TH FLOOR, MAGNUM TOWER, ARCHVIEW DRIVE, SECTOR-*  
*58, GOLD COURSE EXTENSION ROAD, GURGAON, HARYANA,*  
*PIN - 122 011.*

*SRI.SUDHEER GOPALAKRISHNAN PUBLIC PROSECUTOR*

*THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR*  
*ADMISSION ON 23.06.2022, THE COURT ON THE SAME DAY DELIVERED*  
*THE FOLLOWING:*

**J U D G M E N T**

The petitioner has approached this Court, being aggrieved by the inaction on the part of the 3<sup>rd</sup> respondent in conducting investigation on the complaint submitted by the petitioner. The grievance of the petitioner is that he placed an order for a laptop with specification of "Acer Aspire 7 Core i5, 9<sup>th</sup> Gen (8GB/512 GB SSD/Windows) for a total consideration of Rs.53,890/- (Rupees fifty three thousand eight hundred and ninety only) through online platform named [www.flipkart.com](http://www.flipkart.com), which is an E-commerce entity operated by the 4<sup>th</sup> respondent. However, the product which he received was a totally different one. It is pointed out by the learned counsel for the petitioner that, in connection with the same, highlighting his grievance he submitted a complaint before the 2<sup>nd</sup> respondent as the 3<sup>rd</sup> respondent did not conduct proper action in his complaint. Petitioner seeks for consideration of the said complaint by the 2<sup>nd</sup> respondent.

2. Taken into consideration all the relevant inputs, I am of the view that this writ petition can be disposed of directing the

2<sup>nd</sup> respondent to take up Ext.P2 complaint and issue proper direction to the officers concerned to redress the grievance of the petitioner as expeditiously as possible. Appropriate decision thereon shall be taken within a period of one month from the date of production of a copy of this judgment.

*Sd/-*

**ZIYAD RAHMAN A.A.**  
**JUDGE**

APPENDIX OF WP(CRL.) 419/2021

*PETITIONER EXHIBITS*

- Exhibit P1* TRUE COPY OF THE TAX INVOICE DATED 02/06/2021 NUMBERED AS INVOICE NUMBER FAAAA2200495816 ISSUED TO PETITIONER BY THE 5TH RESPONDENT.
- Exhibit P2* TRUE COPY OF THE COVERING DETAILS AFFIXED ON THE PACKET RECEIVED BY THE PETITIONER WITH RESPECT TO "LIFE DIGITAL ZEDAIRCX3 WITH SERIAL NUMBER WH102081341420177 DATED NIL.
- Exhibit P3* TRUE COPY OF THE ORDER DETAILS OF ORDER ID-OD22194799407381000.
- Exhibit P4* TRUE COPY OF THE RETURN REJECTED DATED 21/06/2021 OF ORDER ID-OD221947996407381000.
- Exhibit P5* TRUE COPY OF THE LAWYER NOTICE SENT TO THE 4TH RESPONDENT DATED 22/06/2021 BY ADV.C.C.SURESH AND SIBY VETTOOR ON BEHALF OF THE PETITIONER.
- Exhibit P6* TRUE COPY OF THE REPLY NOTICE SENT BY THE 4TH RESPONDENT DATED 03/08/2021 TO C.C.SURESH ADVOCATE.
- Exhibit P7* TRUE COPY OF THE REPLY NOTICE SENT BY THE 5TH RESPONDENT DATED 30/06/2021 TO THE C.C.SURESH AND SIBY VETTOOR ADVOCATE.
- Exhibit P8* TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 3RD RESPONDENT DATED 23/06/2021 BY THE PETITIONER.
- Exhibit P9* TRUE COPY OF THE APPLICATION FILED UNDER RIGHT TO INFORMATION ACT DATED

*26/08/2021 BY THE PETITIONER BEFORE THE  
3RD RESPONDENT.*

*Exhibit P10*

*TRUE COPY OF THE PETITION FILED UNDER  
SECT. 154(3) OF THE CODE OF CRIMINAL  
PROCEDURE BEFORE THE 2ND RESPONDENT BY  
THE PETITIONER DATED 06/09/2021.*