



2023:KER:70703

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 10TH DAY OF NOVEMBER 2023 / 19TH KARTHIKA, 1945

WP(CRL.) NO. 1157 OF 2023

PETITIONER:

WALKING EYE FOUNDATION FOR ANIMAL ADVOCACY
II/263/A KAIPARAMBU, THRISSUR REPRESENTED BY ITS
MANAGING TRUSTEE VIVEK.K. VISWANATH, S/O
K.V.ACHUTHAN, AGED 31 YEARS, KURUNELLIPARAMBIL
HOUSE, KAIPARAMBU.P.O, THRISSUR,
KERALA, PIN - 680546

BY ADVS.

GAYATHRI MURALEEDHARAN
ARATHY P.

RESPONDENT(S):

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HOME (C)
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM,
PIN - 695001
- 3 DISTRICT POLICE CHIEF
DISTRICT POLICE CHIEF OFFICE, KOLLAM RURAL,
T B JUNCTION, KOTTARAKKARA, KERALA, PIN - 691506
- 4 STATION HOUSE OFFICER
KOTTARAKKARA PS, KOTTARAKKARA P.O.,
KOLLAM, PIN - 691506
- 5 ANIMAL WELFARE BOARD OF INDIA
REPRESENTED BY ITS SECRETARY, RTI CELL,



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**NATIONAL INSTITUTE OF ANIMAL WELFARE CAMPUS
P.O. 42 KM STONE, DELHI-AGRA HIGHWAY, NH-2,
VILLAGE-SEEKRI, BALLABHGARH, FARIDABAD,
HARYANA, PIN - 121004**

BY ADV.

SMT SREEJA V, PP

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP
FOR ADMISSION ON 10.11.2023, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**



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P.V.KUNHIKRISHNAN, J.

WP(Crl.) No.1157 of 2023

Dated this the 10th day of November, 2023

JUDGMENT

The above Writ Petition(Crl.) is filed with the following prayers;

“i. Issue a writ of mandamus or any other appropriate writs, directions or orders directing the 4th Respondent to consider Exhibit P3 complaint and investigate into the same.

ii. Issue a writ of mandamus or any other appropriate writs, directions or orders directing the 3rd Respondent to consider Exhibit P6 complaint and investigate into the same.

iii. Issue a writ of mandamus or any other appropriate writs, directions or orders directing the 2nd Respondent to issue directions to the Station House Officers of the concerned jurisdiction to register and investigate into the offence falling under clause (l), clause (n) or clause (o) of sub-section (1) of section 11 of the Prevention of Cruelty to Animals Act, 1960 in the light of Exhibit P9 circular and the



judgment of the Honourable Apex Court in Animal Welfare Board of India Vs. People For Elimination of Stray Troubles and Ors. MANU/SC/1798/2016

iv. Petitioners also pray that this Honourable Court may be pleased to dispense with the translation of the documents produced in the vernacular language.

v. To pass such other reliefs that this Hon'ble Court deem fit and proper."

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

3. After hearing the learned counsel appearing for the petitioner for some time, I am of the considered opinion that these are matters to be looked into by the 3rd respondent. The petitioner already submitted Ext.P6 before the 3rd respondent. There can be a direction to the 3rd respondent to look into this matter with notice to the petitioner and do the needful, in accordance with law.

Therefore, this Writ Petition(Crl.) is disposed of



with the following directions:

- i. The 3rd respondent is directed to consider Ext.P6 and take appropriate steps, in accordance with law, after giving notice to a representative of the petitioner and the decision taken in it should be communicate to the petitioner, as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this judgment.
- ii. The petitioner will produce a certified copy of this judgment along with a copy of this Writ Petition(Crl.) before the 3rd respondent for compliance.

Sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

nvj



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APPENDIX OF WP(CRL.) 1157/2023

PETITIONER EXHIBITS

- EXHIBIT P1 THE TRUE COPY OF THE REGISTRATION DETAILS OF THE PETITIONER BEARING UNIQUE ID KL/2023/0338891 ISSUED BY THE NGO DARPAN EXTRACTED ON THE DATE 08.03.2023
- EXHIBIT P2 THE TRUE COPY OF THE PHOTOGRAPHS OF THE CRUELTY FACED BY THE COMMUNITY DOGS IN TALUK HQ HOSPITAL, KOTTARAKKARA DATED NIL
- EXHIBIT P3 THE TRUE COPY OF THE COMPLAINT SUBMITTED TO THE 4TH RESPONDENT SHO BY THE PETITIONER DATED 05.10.2023 BEARING FILE NO: F1/002-J/23
- EXHIBIT P4 THE TRUE COPY OF THE DETAILS OF THE COMPLAINT BEARING NO: 15293019-2023-5-02277 GENERATED FROM THE THUNA WEBSITE OF KERALA POLICE EXTRACTED ON 23.10.2023
- EXHIBIT P5 THE TRUE COPY OF THE RECEIPT ISSUED TO THE PETITIONER DATED 12.10.2023
- EXHIBIT P6 THE TRUE COPY OF THE COMPLAINT SUBMITTED TO THE 3RD RESPONDENT OFFICER DATED 13.10.2023
- EXHIBIT P7 THE TRUE COPY OF THE DETAILS OF THE COMPLAINT BEARING NO: 152930401-2023-5-00596 EXTRACTED ON 23.10.2023
- EXHIBIT P8 THE TRUE COPY OF THE RECEIPT OF THE COMPLAINT BEARING NO: 152930401-2023-5-



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00596 DATED 14.10.2023

EXHIBIT P9 THE TRUE COPY OF THE CIRCULAR ISSUED BY
THE STATE POLICE CHIEF DATED 15.09.2022
BEARING FILE NO: NO.U5-162385/2022/PHQ

RESPONDENTS EXHIBITS :NIL

//TRUE COPY// PA TO JUDGE