

Sunil Dutt.S. vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-02-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/4807/2019

Appellant : Sunil Dutt.S.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946
CRL.MC NO. 4807 OF 2019 AGAINST THE PROCEEDINGS IN
C.C.NO.808/2016 OF JFMC-II KOLLAM CRIME NO.1224/2012 OF
ERAVIPURAM POLICE STATION, KOLLAM PETITIONER/ACCUSED:
SUNIL DUTT.S. AGED 56 YEARS SAI ALK, KNRA 31A, KOOTTIKKADA
P.O., KOLLAM-691 020 BY ADVS. A.K.PREETHA A.K.
V.T.RAGHUNATH(K/704/1979) C.ANIL KUMAR(K/000906/1993)
RESHMA R.KRISHNAN(K/001493/2021)
RESPONDENTS/STATE/COMPLAINANT AND DEFACTO
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE

PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031. 2 THE DISTRICT POLICE CHIEF, KOLLAM, PIN-691 001. 3 THE CIRCLE INSPECTOR, 4 SUB INSPECTOR OF POLICE, 5 THE ASSISTANT COMMISSIONER OF POLICE (SPECIAL BRANCH) KOLLAM, PIN-691 002. 6 THE MANAGER, MAYYANAD HIGHER SECONDARY SCHOOL, MAYYANAD P.O. KOLLAM, PIN-691 303 M.P. PRASANTH - PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02.04.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 2nd day of April, 2024 This petition has been filed under Section 482 of the Code of Criminal Procedure to quash Annexure-A FIR, Annexure-L Final Report and charge sheet in C.C. No.808/2016 pending before the Judicial First Class Magistrate Court-II, Kollam.

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

3. In this case, the prosecution allegation is that the

petitioner/accused, who is a teacher in Mayyanad Higher Secondary School, where the 1st witness was the Manager and the 2nd witness was the Headmistress, subjected the defacto complainant an 8th standard student for sexual assault and thereby committed offences punishable under Sections 354 and 509 of IPC.

4. The learned counsel for the petitioner submitted that this is a case fabricated by the witness Nos. 1 and 2 due to personal grudge upon the petitioner and the entire allegations are false.

5. The learned Public Prosecutor submitted that

going by the available materials, commission of offences punishable under Sections 354 and 509 of IPC by the accused could be gathered, prima facie.

Therefore, this is not a fit case for quashing the Final Report.

6. On perusal of the statements of the defacto

complainant and the witnesses, recorded by the Investigating Officer, prosecution allegations are made out, prima facie, making commission of offences punishable under Sections 354 and 509 of IPC by the petitioner/ accused. Therefore, this is not a fit case for quashing the FIR and Final Report as sought for. Therefore, this Crl.M.C. stands dismissed with liberty to the petitioner to defend the case during trial. Sd/- A. BADHARUDEEN JUDGE SK APPENDIX OF CRL.MC 4807/2019

PETITIONERS ANNEXURES : ANNEXURE A TRUE COPY OF THE FIR NO 1224/2012 AND FIS DATED 20.8.12 OF ERAVIPURAM POLICE STATION ANNEXURE B A TRUE COPY OF THE MEMO OF CHARGES DATED 26.8.2011 ISSUED BY THE 6TH RESPONDENT ANNEXURE C A TRUE COPY OF THE COMPLAINT DATED 13.9.2011 SAID TO BE SUBMITTED BY THE STUDENTS OF 8A ANNEXURE D A TRUE COPY OF THE COMPLAINT DATED 14.9.2011 SAID TO BE SUBMITTED BY THE STUDENTS OF 8D ANNEXURE E A TRUE COPY OF THE REPORT DATED 27.2.2017 OF THE ADDITIONAL DIRECTOR (GENERAL) AND VIGILANCE OF PUBLIC INSTRUCTION ANNEXURE F A TRUE COPY OF THE REPRESENTATION DATED 17.1.2013 SUBMITTED BY THE PETITIONER BEFORE THE DGP ANNEXURE G A TRUE COPY OF THE REPRESENTATION DATED 7.5.2013 SUBMITTED BEFORE THE KOLLAM CITY ANNEXURE H A TRUE COPY OF THE JUDGMENT DATED 2.12.2013 IN WPC NO 16171/2013 ANNEXURE I A TRUE COPY OF THE REPRESENTATION DATED 11.12.2015 SUBMITTED BEFORE THE MINISTER FOR HOME AND VIGILANCE ANNEXURE J A TRUE COPY OF THE ENQUIRY REPORT DATED 1.7.2016 AND THE STATEMENT OF THE STUDENTS AND WITNESSES SUBMITTED BY THE 5TH RESPONDENT ANNEXURE K A TRUE COPY OF THE ORDER DATED 31.8.2017 IN CRL MC NO 5180/2013 ANNEXURE L A TRUE COPY OF THE FINAL REPORT DATED 14.3.2016

RESPONDENTS ANNEXURES : NIL

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