

Victim vs State of Kerala

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Court : Kerala

Decided On : Nov-25-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/15671/2019

Appellant : Victim

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
FRIDAY, THE 25TH DAY OF NOVEMBER 2022 / 4TH AGRAHAYANA,
1944 WP(C) NO. 15671 OF 2019 PETITIONER: VICTIM AGED 33
YEARS XXX BY ADVS. K.SHAJ K/0000114/2017 RESPONDENTS: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
KERALA HIGH COURT. 2 SHIVARAJAN STATE PRESIDENT, HUMAN
RIGHTS JUSTICE, VIGILANCE COUNCIL (GLOBAL) NEAR UNION
DRIVING SCHOOL, ELAMBALUR, KUNDARA.

3 AMBIKA (HUMAN RIGHTS MEMBER), HOUSE NO.45, T.S.S. NAGAR,
THRIKADAVOOR, KOLLAM. 4 SHO ANCHALUMOODU POLICE STATION,
PARAKULAM ROAD, ANCHALUMMOOD, KOLLAM - 691 601. 5 SHO OF

POLICE KUNDARA POLICE STATION, NH 744, ELAMPALLOR, KUNDARA, KOLLAM - 691 501. 6 SUB INSPECTOR OF POLICE KARUNAGAPPALLY POLICE STATION, KARUNAGAPPALLY, KOLLAM. 7 DISTRICT POLICE CHIEF DISTRICT POLICE HEADQUARTERS WP(C) Nos.15671/2019 & 15956/2019 2 KOLLAM RURAL, KOTTARAKARA. 8 DISTRICT POLICE CHIEF KOLLAM, COMMISSIONER OF POLICE, KOLLAM - 691 001. 9 EDIN CLEETUS EDIN BHAVAN, PADAPPAKARA, KUNDARA, KOLLAM DISTRICT. BY ADV SMT.K.SUNITHA VINOD T.K.SHAJAHAN-SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.11.2022, ALONG WITH WP(C).15956/2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) Nos.15671/2019 & 15956/2019 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN FRIDAY, THE 25TH DAY OF NOVEMBER 2022 / 4TH AGRAHAYANA, 1944 WP(C) NO. 15956 OF 2019 PETITIONER: VICTIM, AGED 33 YEARS X BY ADVS. K.K.JYOTHILAKSHMY SRI.SUJESH J.MATHEW RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI- 682031. 2 SHIVARAJAN, (STATE PRESIDENT) HUMAN RIGHTS JUSTICE, VIGILANCE COUNCIL (GLOBAL) NEAR UNION DRIVING SCHOOL, ELAMBALUR, KUNDARA- 691506.

3 AMBIKA, (HUMANRIGHTS MEMBER), HOUSE NO.45, T.S.S.NAGAR THRIKADAVOOR, KOLLAM- 691506. 4 SHO, ANCHALOMOODU POLICE STATION, PRAKULAM ROAD, ANCHALUMMOOD, KOLLAM- 691601. 5 SHO OF POLICE, WP(C) Nos.15671/2019 & 15956/2019 4 KUNDARA POLICE STATION NH744, ELAMPALLOR, KUNDARA, KOLLAM- 691501. 6 SUB INSPECTOR OF POLICE, KARUNAGAPALLY POLICE STATION, KARUNAGAPALLY, KOLLAM- 691501. 7 DISTRICT POLICE CHIEF, DISTRICT POLICE HEADQUARTERS, KOLLAM RURAL, KOTTARAKARA, KOLLAM-691 506 8 DISTRICT POLICE CHIEF, KOLLAM, DISTRICT POLICE HEAD QUARTERS, KOLLAM-691 001. BY ADVS. GOVERNMENT PLEADER SMT.K.SUNITHA VINOD T.K.SHAJAHAN-SR.GP THIS WRIT PETITION (CIVIL)

HAVING COME UP FOR ADMISSION ON 25.11.2022, ALONG WITH WP(C).15671/2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) Nos.15671/2019 & 15956/2019 5

JUDGMENT

Dated this the 25th day of November, 2022 These writ petitions are filed seeking protection to the petitioner from respondents 4 and 5.

2. It is submitted that the petitioner was the victim of

criminal acts by respondents 2 and 3 and Crime No.768/2019 was registered by the Karunagapally police. It is submitted that respondents 4 and 5 attempted to harass the petitioner into changing her deposition in the pending criminal trial. Interim orders had been granted by this Court. In view of the fact that, more than three years have elapsed from the date of filing of this writ petition, I am of the opinion that the writ petition would have, by now, become infructuous. This writ petition is closed. It is made clear that in case of any threat, the petitioner may inform the Station House Officer, who WP(C) Nos.15671/2019 & 15956/2019 6 shall continue to afford adequate protection to the life of the petitioner. Sd/- ANU SIVARAMAN JUDGE ska WP(C) Nos.15671/2019 & 15956/2019 7 APPENDIX OF WP(C) 15671/2019 PETITIONER EXHIBITS EXHIBIT P1 COPY OF THE FIR IN CRIME NO.2652/2017 OF KUNDARA POLICE STATION. EXHIBIT P2 COPY OF THE COMPLAINT LODGED BEFORE TEH SUB INSPECTOR OF POLICE ANCHALUMOODU DATED 4.5.2019 BY THE PETITIONER. EXHIBIT P2(a) COPY OF RECEIPT ISSUED BY ANCHALUMOODU POLICE STATION. EXHIBIT P3 COPY OF THE FIR REPORT IN CRIME NO.768/2019 OF KARUNAGAPALLY POLICE STATION. EXHIBIT P4 COPY OF COMPLAINT FILED BY PETITIONER BEFORE KOTTARAKARA RURAL S.P. DATED 21.5.2019. EXHIBIT P4(a) COPY OF RECEIPT ISSUED BY KOTTARAKARA RURAL S.P. FOR THE COMPLAINT DATED 21.5.2019. EXHIBIT P5 COPY OF COMPLAINT FILED BEFORE KOLLAM DISTRICT COMMISSIONER OF POLICE DATED 21.5.2019. EXHIBIT P6 COPY OF COMPLAINT LODGED BEFORE THE ADDITIONAL DIRECTOR GENERAL OF POLICE SOUTHERN REGIONAL. EXHIBIT P6(A) COPY OF RECEIPT ISSUED BY ADDITIONAL DIRECTOR GENERAL OF

POLICE SOUTHERN REGION TO PETITIONER'S COMPLAINT DATED 23.5.2019. WP(C) Nos.15671/2019 & 15956/2019 8 APPENDIX OF WP(C) 15956/2019 PETITIONER EXHIBITS EXHIBIT P1 COPY OF THE FIR IN CRIME NO.2652/2017 OF KUNDARA POLICE STATION. EXHIBIT P2 COPY OF THE COMPLAINT LODGED BEFORE THE SUB INSPECTOR OF POLICE ANCHALUMOODU DATED 04.05.2019 BY THE PETITIONER. EXHIBIT P2(a) COPY OF RECEIPT ISSUED BY ANCHALUMOODU POLICE STATION. EXHIBIT P3 COPY OF THE FIR REPORT IN CRIME NO.768/2019 OF KARUNAGAPALLY POLICE STATION. EXHIBIT P4 COPY OF COMPLAINT FILED BY PETITIONER BEFORE KOTTARAKARA RURAL S.P. DATED 21.05.2019. EXHIBIT P4(a) COPY OF RECEIPT ISSUED BY KOTTARAKARA RURAL S.P. FOR THE COMPLAINT DATED 20.05.2019. EXHIBIT P5 COPY OF COMPLAINT FILED BEFORE KOLLAM DISTRICT COMMISSIONER OF POLICE DATED 21.05.2019. EXHIBIT P6 COPY OF COMPLAINT LODGED BEFORE THE ADDITIONAL DIRECTOR GENERAL OF POLICE SOUTHERN REGION. EXHIBIT P6(a) COPY OF RECEIPT ISSUED BY ADDITIONAL DIRECTOR GENERAL OF POLICE SOUTHERN REGION OF PETITIONER'S COMPLAINT DATED 23.05.2019. EXHIBIT P7 THE COPY OF COMPLAINT LODGED BEFORE THE 4TH RESPONDENT 10.06.2019. RESPONDENT EXHIBITS WP(C) Nos.15671/2019 & 15956/2019 9 EXHIBIT R2(A) A TRUE COPY OF THE ORDER DTD. 30.05.2019 IN B.A NO.3733/2019. EXHIBIT R2(B) A TRUE COPY OF THE FIR DTD 30.10.2017 AT KUNDARA POLICE STATION WHICH WAS REGISTERED AS CRIME NO. 2652/2017. EXHIBIT R2(C) A TRUE COPY OF THE COMPLAINT DTD 01.10.2018 SUBMITTED BY THE PETITIONER TO THE DGP. EXHIBIT R2(D) A TRUE COPY OF COMPLAINT DTD 29.09.2018 TO THE CHIEF MINISTER OF KERALA ALLEGING SEXUAL HARASSMENT. EXHIBIT R2(E) A TRUE COPY OF THE PETITION DTD 17.10.2018 SUBMITTED BY THE PETITIONER BEFORE THE REVENUE DIVISIONAL OFFICER KOLLAM AGAINST HER FATHER. EXHIBIT R2(F) A TRUE COPY OF THE PETITION DTD. 17.10.2018 SUBMITTED BY THE PETITIONER BEFORE THE REVENUE DIVISIONAL OFFICER KOLLAM. EXHIBIT R2(G) A TRUE COPY OF THE PETITION DTD 17.10.2018 SUBMITTED BY THE PETITIONER BEFORE THE RURAL S.P. KOTTARAKKARA. EXHIBIT R2(H) A TRUE COPY OF THE

PETITION DTD. 25.10.2018 SUBMITTED BY BIBIYANA BEFORE THE POLICE CHIEF.

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