

(2022) 02 KL CK 0029
In the High Court Of Kerala
Case No : Writ Petition (CRL.) No. 497 Of 2021

Sumi Sandal

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 03-02-2022

Acts Referred:

Indian Penal Code, 1860 — Section 354A(i), 354A(ii), 354B

Citation : (2022) 02 KL CK 0029

Hon'ble Judges : Dr Kauser Edappagath, J

Bench : Single Bench

Advocate : Biju George, Baby Thomas, Mariamma Joseph Alicia Jose, George T.J, V.Anoop, T.V. Neema

Final Decision : Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. This writ petition has been filed, among other reliefs, to give a direction to the 4th respondent to conduct proper investigation in Crime No.1416/2021

of Pallikathode Police Station by incorporating all relevant sections of the offences involved.

2. The petitioner is the defacto complainant. Her allegation is that the accused Vishnu outraged her modesty and tried to sexually abuse her by

embracing and kissing and disrobing her in his house. According to the petitioner, though a complaint was preferred before the 4th respondent and a

crime was registered, only offence with lesser punishment is charged. It is in the said circumstances, the petitioner approached this Court.

3. I have heard Sri. Biju George, the learned counsel for the petitioner and Smt. T.V. Neema, the learned Senior Public Prosecutor.

4. Smt. T.V. Neema, the learned Senior Public Prosecutor on instructions submits

that the investigation is only in the preliminary stage. She further submits that offence under Section 354 A (i) and (ii) have been incorporated at present. The counsel for the petitioner submits that in fact the offence under Section 354 B is involved. Since the investigation is at the preliminary stage, I am of the view that this writ petition can be disposed of with a direction to the investigating officer to conduct a proper investigation and if it is found that the offence under Section 354 B is also involved, to incorporate the said Section as well.

In the result, the writ petition is disposed of, with a direction to the 4th respondent to conduct a free and fair investigation in Crime No.1416/2021 of Pallikathode Police Station. If during investigation it is found that the offence under Section 354 B or any other offence is involved, the 4th respondent shall incorporate the said Section as well and conduct investigation.