

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 13th day of October 2021 / 21st Aswina, 1943
WP(C) NO. 22276 OF 2021(H)

PETITIONER:

XXX

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
2. COMMISSIONER OF POLICE, OFFICE OF THE COMMISSIONER OF POLICE, ABDUL KALAM MARG, MARINE DRIVE, ERNAKULAM - 682011.
3. ASSISTANT COMMISSIONER OF POLICE, ASSISTANT COMMISSIONER POLICE OFFICE, THRIKKAKARA, KAKKANAD, ERNAKULAM - 682021.
4. STATION HOUSE OFFICER, THRIKKAKARA POLICE STATION, THRIKKAKARA, EDAPPALLY, ERNAKULAM - 682030.
5. GIREESH, AGE NOT KNOWN TO THE PETITIONER, FATHER'S NAME NOT KNOWN TO THE PETITIONER, CIVIL POLICE OFFICER, THRIKKAKARA POLICE STATION, THRIKKAKARA, EDAPPALLY, ERNAKULAM - 682030.
6. YYY

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 4th respondent and his police men not to harass the petitioner and further to direct the 2nd respondent to give adequate police protection to the petitioner, during the pendency of this Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.C.DHEERAJ RAJAN, ANAND KALYANAKRISHNAN, Advocates for the petitioner and of SRI.E.C.BINEESH, GOVERNMENT PLEADER for R1 to R4 (B/o), the court passed the following:

DEVAN RAMACHANDRAN, J.

W.P.(C) No.22276/2021

Dated this the 13^h day of October, 2021

O R D E R

Cases of sexual attack victims and rape survivors being intimidated by the accused persons and their associates have been coming to this Court with some regularity.

2. This Court have seen one such case yesterday, relating a minor rape victim; in which, there was an allegation that the accused and others were intimidating and threatening her, so as to force her not to file an appeal against them.

3. In the case at hand, unfortunately, allegations are far more grievous because, the petitioner, who is stated to be a rape victim, alleges that she is being harassed, not only by the accused, but by certain Police Officers.

4. Without meaning to conclude at this

stage that the allegations in this writ petition are correct, it still causes a lot of distress to this Court because there are specific guidelines, circulars and orders issued by the various competent Authorities with respect to protection of victims of sexual attacks, including rape; but many times, I notice that these are not being effectively implemented.

5. In the case that I have referred earlier, this Court did not issue a specific order, though certain oral observations were made at the Bar; but taking note of the facts involved in this case, I am of the firm view that the stipulations for protection of women, who have faced the agony of sexual harassment and attack, will certainly have to be given a very close look.

6. The petitioner in this case alleges that respondents 4 and 5, who are the Station

House Officer and the Civil Police Officer attached to the Thrikkakkara Police Station, are acting in collaboration with the 6th respondent, who is the accused in the case of sexual attack against her; and that she has now been, therefore, forced to go into hiding and to reside with a close relative of hers.

7. Though this Court does not know the truth of the allegations yet, they certainly are ones which will have to engage the attention of the highest Officer in charge of the Police Department in the District.

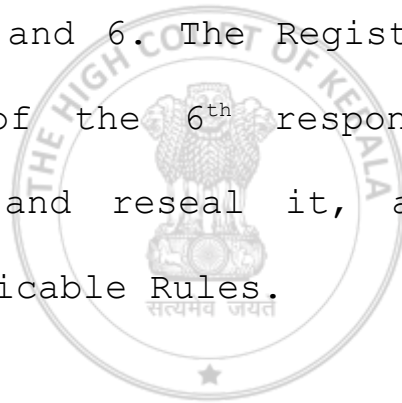
8. Since the State of Kerala is on the party array, I am of the firm opinion that the issue must be answered by them also, as to how the mandate of protection of sexual attack victims should be effectively implemented because this is a matter that cuts at the root of the societal response to such grievous attacks and offences.

9. I, therefore, direct the learned Government Pleader - Sri.E.C.Bineesh, appearing for respondents 1 to 4, to obtain specific response to the afore from the competent Authorities, including the State Police Chief, particularly as to how the Victim Protection Protocols will require to be efficiently and imperatively put in place and implemented. This shall be done with reference to Ext.P4 circular issued by the State Police Chief, which limpidly prescribes the manner in which a sexual offence victim or survivor will require to be protected.

List this matter, therefore, on 26.11.2021, and I direct the 2nd respondent - Commissioner of Police, to ensure that the life of the petitioner, as also her minor child, is effectively and adequately protected, but without involving respondents 4 and 5 in any manner whatsoever, but employing personnel from

another Police Station under his command. Such protection shall be offered to the petitioner discreetly, preferably by nominating women Police Officers not in uniform, who shall deal with the petitioner with the empathy that she deserves.

The petitioner will takeout notice by Speed Post, returnable within seven days, to respondents 5 and 6. The Registry will obtain the address of the 6th respondent from the sealed cover and reseal it, as is mandated under the applicable Rules.



Sd/-
DEVAN RAMACHANDRAN
JUDGE

H/o
RR/akv