

# Sanjay.K.R., Rep By Raju vs State Of Kerala on 27 September, 2022

**Author: Kauser Edappagath**

**Bench: Kauser Edappagath**

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
TUESDAY, THE 27TH DAY OF SEPTEMBER 2022/5TH ASWINA, 1944  
CRL.MC NO. 2217 OF 2022

CRIME NO.424/2021 OF Manjeri Police Station,  
Malappuram  
CC 829/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS-I,  
MANJERI

PETITIONER/ACCUSED:

SANJAY.K.R.,  
AGED 26 YEARS  
S/O.RAJU  
KARIPPAYIL HOUSE,  
MANALLOOR DESOM, MANALUR VILLAGE,  
KANJANY.P.O., THRISSUR - 680 612  
REPRESENTED BY :  
FATHER AND NEXT FRIEND RAJU,  
RESIDING AT KARIPPAYIL HOUSE,  
MANALLOOR DESOM, MANALUR VILLAGE,  
KANJANY.P.O., THRISSUR - 680 612.

BY ADVS.  
S.GOPAKUMAR  
T.M.BINITHA

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM - 682 011.

Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022

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- 2 STATION HOUSE OFFICER  
MANJERI POLICE STATION.  
MALAPPURAM, PIN - 676 121.

SMT.T.V.NEEMA SR. Public Prosecutor

THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 27.09.2022, ALONG WITH  
Crl.MC.Nos.2893/2022 & 5362/2022, THE COURT ON THE  
SAME DAY PASSED THE FOLLOWING:  
Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
TUESDAY, THE 27TH DAY OF SEPTEMBER 2022 / 5TH ASWINA, 1944  
CRL.MC NO. 2893 OF 2022

CRIME NO.5/2021 OF CYBER CRIME POLICE STATION,  
ALAPPUZHA

CC 43/2022 ON THE FILE OF THE CHIEF JUDICIAL  
MAGISTRATE COURT, ALAPPUZHA

PETITIONER/ACCUSED:

SANJAY K.R.,  
AGED 26 YEARS,  
S/O. RAJU,  
KARIPPAYIL HOUSE,  
MANALOORDESOM,  
MANALUR VILLAGE,  
KANJANY.P.O.,THRISSUR - 680 612,  
REPRESENTED BY  
FATHER AND NEXT FRIEND RAJU,  
RESIDING AT KARIPPAYIL HOUSE,  
MANALOOR DESOM, MANALUR VILLAGE,  
KANJANY.P.O.,THRISSUR - 680 612.

BY ADVS.

S.GOPAKUMAR

T.M.BINITHA

RESPONDENTS/COMPLAINANT:

1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM - 682031.

Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022

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2 STATION HOUSE OFFICER  
CYBER CRIME POLICE STATION,

Sanjay.K.R., Rep By Raju vs State Of Kerala on 27 September, 2022  
ALAPPUZHA, PIN - 688 012.

SMT.T.V.NEEMA SR. Public Prosecutor  
THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 27.09.2022, ALONG WITH  
Crl.MC.Nos.2217/2022 & 5362/2022, THE COURT ON THE  
SAME DAY PASSED THE FOLLOWING:  
Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
TUESDAY, THE 27TH DAY OF SEPTEMBER 2022/ 5TH ASWINA, 1944  
CRL.MC NO. 5362 OF 2022

Crime No.11/2021 of Cyber Crime Police Station, Kannur

PETITIONER/ACCUSED:

SANJAY K.R.  
AGED 26 YEARS  
S/O. RAJU, KARIPPAYIL HOUSE,  
MANALLOOR DESOM, MANALUR VILLAGE,  
KANJANY.P.O., THRISSUR - 680 612  
REPRESENTED BY  
FATHER AND NEXT FRIEND RAJU,  
RESIDING AT KARIPPAYIL HOUSE,  
MANALLOOR DESOM, MANALUR VILLAGE,  
KANJANY.P.O., THRISSUR - 680 612.

BY ADVS.S.GOPAKUMAR  
T.M.BINITHA  
SANTOSH DANIEL S

RESPONDENTS:STATE, COMPLAINANT & DE FACTO COMPLAINANT

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 2 STATE OF KERALA  
CYBER CRIME POLICE STATION,  
KANNUR CITY, PIN - 670 003.
- 3 DR.LULU SALWA. N  
W/O.MUHAMMED AJIAS  
SANA, PODUVACHERY,  
NAYARMUKKU, KANNUR,  
KERALA - 670 621.

SMT.T.V.NEEMA SR. Public Prosecutor  
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
27.09.2022, ALONG WITH CrI.MC.Nos.2217/2022 & 2893/2022,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:  
CrI.M.C.Nos.2217/2022, 2893/2022 & 5362/2022

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ORDER

The petitioner in all the above three CrI.M.Cs. is one and the same. The de facto complainants in all the three cases are Doctors.

2. Three different crimes (Crime No.424/2021 of Manjeri Police Station, Crime No.5/2021 of Cyber Crime Police Station, Alappuzha and Crime No.11/2021 of Cyber Crime Police Station, Kannur) were registered against the petitioner alleging offences punishable under Sections 354A & 509 of the IPC (Crime No.424/2021 of Manjeri Police Station), Sections 354A, 354D(1)(ii) & 509 of the IPC, Section 4 r/w 3 Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012 & Section 67(iii) of the Information Technology Act, 2000 (Crime No.5/2021 of Cyber Crime Police Station, Alappuzha) and Sections 354A(1)(iii), 354D(1)(ii) and 509 of the IPC, Section 4 r/w 3 Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012 & Section 67A of the Information Technology Act, 2000 (Crime No.11/2021 of Cyber Crime Police Station, Kannur).

CrI.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..7..

3. The allegation in all the three cases is that, on 28.8.2021, while the de facto complainants in all the three crimes were consulting with the patients through on-line as part of Govt. programme (e-sanjivani), the petitioner followed the de facto complainants through the above consultation programme with sexual intent and showed the scene of masturbation and thereby committed sexual harassment against the women healthcare service personnel.

4. The definite case of the petitioner is that he is a mentally ill person. It is specifically stated that he happened to be involved in drugs racket and became an addict for drugs and alcohol while he was studying for B.Sc.-MIT at A.J. Institute of Medical Science and Research Centre, Mangalore in 2012-'13 batch. It is further stated that the addiction to drugs and alcohol developed anti-social personality disorder in him and he became exhibitionistic and was undergoing treatment in various hospitals. It is submitted that the alleged offences were committed not intentionally but consequent to his disease mentioned above. The petitioner has produced CrI.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..8..

documentary evidence to show that he is suffering from such disease. It is in these circumstances, all these CrI.M.Cs. have been filed to quash the proceedings.

5. Since this Court was prima facie satisfied that the petitioner was suffering from the disease mentioned above, a direction was given to the learned Senior Public Prosecutor, Smt.T.V.Neema to ascertain from the concerned de facto complainants/Doctors whether they are willing to condone the acts of the petitioner taking into account the mental condition of the petitioner. Accordingly, Smt.T.V.Neema, the learned Senior Public Prosecutor took pain to contact all the de facto complainants and interact with them. They have fairly submitted that they are prepared to condone the alleged act of the petitioner and they do not want to proceed with the cases further against the petitioner. Written sworn statements from all the three de facto complainants have also been received and produced before this Court.

6. For the reasons stated above, all further proceedings against the petitioner in Crime No.424/2021 of Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..9..

Manjeri Police Station, Crime No.5/2021 of Cyber Crime Police Station, Alappuzha and Crime No.11/2021 of Cyber Crime Police Station, Kannur are hereby quashed.

7. The petitioner's father, through whom these Crl.M.Cs. have been filed, shall ensure that the petitioner does not repeat the act.

Crl.M.Cs. are allowed as above.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE skj Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..10..

PETITIONER'S ANNEXURES Annexure1 TRUE COPY OF THE IDENTITY CARD ISSUED TO PETITIONER BY A.J.INSTITUTE OF MEDICAL SCIENCE AND RESEARCH CENTRE, MANGALORE FOR B.SC. - MIT (MEDICAL IMAGING TECHNOLOGY) BATCH 2012 - 2013. Annexure2 CERTIFIED COPY OF FIR WITH FIS DT.

01/09/21 IN CRIME NO.424/2021 OF MANJERI POLICE STATION FOR THE OFFENCES UNDER SECTIONS 509 AND 354A OF THE IPC.

Annexure3 TRUE COPY OF MEDICAL RECORDS FROM ANSAR HOSPITAL, PERUMPILAVU.

Annexure4 TRUE COPY OF MEDICAL RECORDS FROM AMRITHA HOSPITAL, ERNAKULAM.

Annexure5 TRUE COPY OF THE ORDER IN BAIL.APPL.NO. 7576/2021 DT. 01/10/2021  
Annexure6 TRUE COPY OF MEDICAL CERTIFICATE ISSUED BY SREE NARAYANA INSTITUTE OF MEDICAL SCIENCE DT. 03/09/2021 Annexure7 TRUE COPY OF ORDER OF THE SESSIONS COURT, ALAPPUZHA IN CRL.M.P.NO. 1799/2021 DT. 17/09/2021 DECLINING BAIL TO THE PETITIONER.

Annexure8 TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER ISSUED BY THE SREE NARAYANA INSTITUTE OF MEDICAL SCIENCE, CHALAKKA, ERNAKULAM DT.05/11/2021 Annexure9 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 424/2021 OF MANJERI POLICE STATION TAKEN AS C.C.NO. 829/2021 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, MANJERI.

Annexure10 CERTIFIED COPY OF MEMORANDUM OF EVIDENCE IN C.C.NO. 829/2021 BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, MANJERI.

Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..11..

Annexure11 CERTIFIED COPY OF THE WITNESS STATEMENT IN C.C.NO. 829/2021 BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, MANJERI.

Annexure12 TRUE COPY OF THE CERTIFICATE ISSUED BY DR. ANOOP VINCENT OF SREE NARAYANA INSTITUTE OF MEDICAL SCIENCE, CHALAKKA, ERNAKULAM DT. 11/03/2022. Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..12..

PETITIONER'S ANNEXURES Annexure A1 TRUE COPY OF THE IDENTITY CARD ISSUED TO PETITIONER BY A.J.INSTITUTE OF MEDICAL SCIENCE AND RESEARCH CENTRE, MANGALORE FOR B.SC. - MIT (MEDICAL IMAGING TECHNOLOGY) BATCH 2012 - 2013. Annexure A2 CERTIFIED COPY OF FIR WITH FIS DT.

29/08/2021 IN CRIME NO. 5/2021 OF CYBER CRIME POLICE STATION, ALAPPUZHA FOR THE OFFENCES UNDER SECTIONS 509 AND 354A OF THE IPC.

Annexure A3 TRUE COPY OF MEDICAL RECORDS FROM ANSAR HOSPITAL, PERUMPILAVU.

Annexure A4 TRUE COPY OF MEDICAL RECORDS FROM AMRITHA HOSPITAL, ERNAKULAM.

Annexure A5 TRUE COPY OF THE ORDER IN BAIL.APPL.NO.7576/2021 DT. 01/10/2021. Annexure A6 TRUE COPY OF MEDICAL CERTIFICATE ISSUED BY SREENARAYANA INSTITUTE OF MEDICAL SCIENCE DT. 03/09/2021 Annexure A7 TRUE COPY OF ORDER OF THE SESSIONS COURT, ALAPPUZHA IN CRL.M.P.NO. 1799/2021 DT. 17/09/2021 DECLINING BAIL TO THE PETITIONER.

Annexure A8 TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER ISSUED BY THE SREENARAYANA INSTITUTE OF MEDICAL SCIENCE, CHALAKKA, ERNAKULAM DT.05/11/2021 Annexure A9 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.5/2021 OF CYBER CRIME POLICE STATION, ALAPPUZHA TAKEN AS C.C.NO. 43/2022 BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, ALAPPUZHA Annexure A10 CERTIFIED COPY OF THE WITNESS STATEMENT IN C.C.NO.43/2022 BEFORE CHIEF JUDICIAL MAGISTRATE COURT ALAPPUZHA Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..13..

Annexure A11 TRUE COPY OF THE CERTIFICATE ISSUED BY DR. ANOOP VINCENT OF SREE NARAYANA INSTITUTE OF MEDICAL SCIENCE, CHALAKKA, ERNAKULAM DT. 11/03/2022.

Annexure A12 TRUE COPY OF THE ORDER IN CRL.M.A.NO.

1/2022 IN CRL.M.C. NO.2217/2022 DATED 04/04/2022 Crl.M.C.Nos.2217/2022, 2893/2022 & 5362/2022 ..14..

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Annexure A7 CERTIFIED COPY OF FIR WITH FIS DT.

08/09/2021 IN CRIME NO. 11/2021 OF CYBER CRIME POLICE STATION, KANNUR CITY Annexure A8 TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER ISSUED BY THE SREE NARAYANA INSTITUTE OF MEDICAL SCIENCE, CHALAKKA, ERNAKULAM DT.05/11/2021 Annexure A9 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 11/2021 OF CYBER CRIME POLICE STATION, KANNUR TAKEN AS C.C.NO. 287/ 2022 BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT THALASSERY Annexure 10 TRUE COPY OF THE CERTIFICATE ISSUED BY DR. ANOOP VINCENT OF SREE NARAYANA INSTITUTE OF MEDICAL SCIENCE, CHALAKKA, ERNAKULAM DT. 11/03/2022.