

News

Three officers are ordered to face criminal charges by the Kerala Police Complaints Authority for framing an 82-year-old in a rape case.



The authority discovered preliminary evidence of a police inquiry that was malicious and led to an old man being wrongfully prosecuted for more than ten years.

In *MN Janardhanan Nambiar v Dr. B Sandhya IPS & ors*, the Kerala State Police Complaints Authority recently ordered the launch of a criminal prosecution against three police officers for allegedly fabricating a rape accusation against an elderly man who is currently 82 years old.

In response to a complaint filed by MN Janardhanan Nambiar, who claimed that he was wrongfully implicated in a rape case in 2011 after a financial dispute with a woman named Reetha, authority member PK Aravintha Babu issued the ruling.

In 2023, a trial court found him not guilty. Following his acquittal, he sought action against various police officers.

"The Inspector General of Police, Thrissur Range, is instructed to register a criminal case as soon as possible against R3, R4, and R6 for offenses punishable under IPC 219 [public servants in judicial proceedings corruptly making reports etc.] and 220 [punishes public officers who knowingly act contrary to law by committing a person to trial or confinement]. The authority mandated on January 8 that compliance with this directive be reported to it within a month.

According to the trial court record, the authority observed that Reetha, the complainant who had accused Nambiar of rape, had not claimed penile penetration in order to qualify for the rape offense.

It emphasized that even though the complainant had several chances to make such accusations, the trial court had correctly recognized the delay in submitting the complaint after six years of the alleged incidents. The authority examined the trial court's decision and declared, ***"There is a clear finding that the petitioner was falsely prosecuted in that rape case."***

Regarding the investigating officers' actions, the authority stated that they had deceived the trial court by filing the final probe report without completing an impartial and fair investigation.

It concluded that their acts constituted serious misconduct and called for criminal prosecution. In actuality, they failed to carry out a fair inquiry to determine whether Reetha's statement contained any elements that could have led to the crime of rape. Before submitting the final report against the petitioner, they were supposed to verify it. Actually, R4 and R6 didn't accomplish this. Consequently, the petitioner was wrongfully accused and ultimately cleared by the court. R4, R6, and the sufferer were all at blame for this. As previously mentioned, R4 and R6 did not conduct a thorough inquiry, much like R3 did. The authority further stated, ***"They also maliciously or corruptly filed a final report knowing that it was illegal, and thus maliciously committed the petitioner for trial knowing that it was illegal."***

Other officials listed as respondents in the lawsuit, however, were not determined to have a prima facie case by the authority. Nambiar's petition was granted exclusively in relation to three officers.

Circle Inspector KG Suresh, the current ACP of Guruvayur; Circle Inspector K Sudharsan, the present District Police Chief for Ernakulam Rural; and the retired former Assistant Commissioner of Police Sivadasan are the officers.

The petitioner was represented by attorney Sarath Babu Kottakkal.