



GOVERNMENT OF KERALA

Abstract

Home department-Order of the Hon'ble Highcourt dated 04/03/2025 in WPCrI.1207/2024 filed by Sri.Rafeek-Complied with-Orders issued

HOME (P) DEPARTMENT

G.O.(Rt)No.1160/2025/HOME Dated,Thiruvananthapuram, 03-04-2025

Read 1 Representation by Sri.Rafeek dated 04/07/2022

- 2 Letter No.U2-134567/2022/PHQ dated 03/06/2023 from the State Police Chief, Thiruvananthapuram
- 3 Govt letter No.P 2/3/2022/Home dated 02/08/2023
- 4 Letter No.U4-WPCR 1207/2024/2024150678 dated 18/11/2024 from the Advocate General, Ernakulam
- 5 Letter No.U5-228211/2024/PHQ dated 13/01/2025 from the State Police Chief, Thiruvananthapuram
- 6 Final order dated 04/03/2025 by the Hon'ble Highcourt in WPCrI. 1207/2024 filed by Sri.Rafeek

ORDER

WPCrI.1207/2024 was filed aggrieved by the Government letter provided to the applicant as per the letter read as 3rd paper above, denying sanction to prosecute the Police personnel in Vandiperiyar PS(at the time of the allegation) Sri.Jefy George(SI),Sri.Henry (Driver SCPO 3031) & Sri.Muhammed Ismail(SCPO 3240). The Hon'ble High court finally heard the case and disposed the same dated 04/03/2025. The direction is for the 1st respondent to produce fresh order on the request of the petitioner in accordance with the law within a period of three months from the date of receipt of the copy of the order.The Additional Chief Secretary, Home and Vigilance department is the 1st respondent in WPCrI. 1207/2024.

2) The applicant furnished a representation alleged that the police personnel in Vandiperiyar PS manhandled him cruelly & registered a pseudo crime case against him, hence to provide sanction to prosecute Sri.Jefy George(SI), Sri.Henry (Driver SCPO 3031) &

Sri.Muhammed Ismail (SCPO 3240) in Vandiperiyar PS.Government rejected the same based on the report by the State Police Chief as per the letter read as 2nd paper above and the relevant documents connected to this via Govt. letter No. read as 3rd paper above.

3) On 27th July 2021, Sri. Jeffy George, the Sub Inspector of Police Vandiperiyar PS along with the police party including GSI Sri. Premkumar, Sri.Muhammed Ismail(SCPO 3240), Sri.Henry (Driver SCPO 3031) while engaged in Law and Order Patrolling duty, they found that an Autorickshaw bearing Registration No. KL 37 8205 was parked at south portion of the NH 183 at Market Junction Vandiperiyar, around 5.30 PM by obstructing the way to other vehicles and pedestrians. To clear the way, Sub Inspector Jeffy George demanded the Auto rickshaw driver to remove the vehicle from the side of the road and tried to clear the traffic obstruction. But the Auto rickshaw driver did not obey the direction of SI, then Sub Inspector asked his name and address, but he hesitated to reveal his name and address. Then SCPO 3031 Henry tried to remove the vehicle from the side of the road, the Auto driver shouted towards Henry and pushed him in his chest and asked him "Who are you to remove my vehicle"? The auto driver objected his arrest then Police party applied sufficient force and taken him under custody and taken to the hospital for medical examination. Sri.Henry(Driver SCPO 3031) suffered injuries and hospitalized by the assault of the applicant in the alleged incident. Based on the statement by the injured police personnel, Crime No.692/21(u/s 332, 353 IPC and 117e of KP Act) case was registered at Vandiperiyar PS against Sri.Rafeek. Arrest recorded and produced him before the court and remanded to judicial custody. After the investigation, final report was submitted before the Hon'ble JFMC 11, Peerumedu.WPCrl. 1207/2024 before the Hon'ble High Court was filed by the applicant against this.

4) Government have examined the matter in detail. Sri.Rafeek was arrested by applying sufficient force by the police party when he defended the police personnel from doing their lawful duty and assaulted the Police personnel. Sri.Henry(Driver SCPO 3031) suffered injuries and hospitalized by the assault of the applicant in the same. Based on the statement by the injured, Crime No.692/21 case was registered against the applicant in this also. Section 197 of the Code of Criminal Procedure, 1973 protects public servants from prosecution for offenses committed while acting in the line of duty. It also protects honest public servants so that they can perform their duties without fear of being

demoralized. Accordingly it is revealed that the acts done by the police personnel(2nd-4th respondent)in WPCrI. 1207/2024 was for maintaining Law and order as part of their official duty, should be covered under section 197 CrPC. Moreover as per the report by the SHO, Vandiperiyar PS the applicant was a habitual offender and also included in the Goonda List as per No. 05/TDR/22-PSD dated 05/01/2022, opened Rowdy History Sheet against him. No authoritative supporting documents/material evidences were provided by the applicant with the representation read as 1st paper above on inspection, for prosecuting the alleged police personnel to concrete his contents in the plea too.

5) In the above circumstances the plea by Sri. Rafeek to prosecute the Police personnel in Vandiperiyar PS ie, Sri. Jefy George(SI), Sri. Henry (Driver SCPO 3031) & Sri. Muhammed Ismail(SCPO 3240) deserves no consideration, is hereby rejected. Thus the final order of Hon'ble High Court in WPCrI.1207/2024 read as 6th paper above is complied with accordingly.

(By order of the Governor)
BISHWANATH SINHA
ADDITIONAL CHIEF SECRETARY

The Advocate General, Ernakulam (With C/L)
The State Police Chief, Thiruvananthapuram
The Principal Accountant General (A&E/Audit) Thiruvananthapuram
Sri. Rafeek, S/o Abdul Salam, Puthumana House, Manjumala Village,
Idukki, 685531
Information and Public Relations (Web&New Media) Department
Stock file/office copy

Forwarded /By order

Section Officer