



2024:KER:69225

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024 / 19TH BHADRA, 1946WP(C) NO. 9653 OF 2020PETITIONER/S:

- 1 ANUPAMA P.J., AGED 32 YEARS, W/O. ANIL KUMAR, REJI NIVAS, C.M.C
14, CHERTHALA P.O., ALAPPUZHA DISTRICT, PIN-688 524
- 2 PRIYA, AGED 37 YEARS, W/O. ANIL KUMAR.A.P., PUTHEN VELIYIL HOUSE,
MUHAMMA P.O., ALAPPUZHA DISTRICT, PIN-688 525
- 3 MANOJ, AGED 48 YEARS, S/O. PURUSHAN, PUTHENPARAMBU HOUSE,
KAYIPPPURAM, MUHAMMA P.O., ALAPPUZHA DISTRICT, PIN-688 525

BY ADV SRI. GOKULDAS V V H, E.RAFEEK

RESPONDENT/S:

- 1 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM, PIN-695 001
- 2 THE DISTRICT POLICE CHIEF,
ALAPPUZHA, PIN-695 001
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
ALAPPUZHA, PIN-688 001
- 4 THE SUB INSPECTOR OF POLICE,
MUHAMMA POLICE STATION, MUHAMMA ,ALAPPUZHA, PIN-688 525
- 5 X X (Mother of alleged victim Anaswara)
(This respondent is named 'X', and address shall be provided once
notice is issued, as to not reveal identity of victim)

BY ADVS. SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

OTHER PRESENT:

SR GP SRI. THUSHARA JAMES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.09.2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT(Dated this the 10th day of September 2024)

This Writ Petition is filed by parents of 3 minors, who are alleged to have committed sexual harassment, for a direction to respondent Nos.3 and 4 to abstain from causing any harassment to the petitioners or their children in connection with Crime No.1145 of 2019 of Muhamma police station. A declaration is also sought that Juvenile Justice Board, Alappuzha alone has the exclusive jurisdiction under Section 34(1) of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') along with Section 8(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the J.J. Act') and the police does not have jurisdiction to deal with this case.

2. Heard the counsel for the petitioner as well as for the 5th respondent and the Government Pleader.



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3. On 5.5.2020, an interim order was passed by this court whereby a stay of all further proceedings in Crime No.1145 of 2019 before the Muhamma Police Station was granted and the 4th respondent S.I. of Police was directed to place the records of the said case before the Juvenile Justice Board without delay.

4. The Government Pleader, on instructions, submits that the records, as on the date of passing the interim order, has been handed over by the 4th respondent to the Board. But since there was a stay of proceedings, the Juvenile Justice Board has not taken any steps.

5. The counsel for the petitioner submits that the Juvenile Justice Board alone, is the competent authority exclusively to deal with the Crime and the police does not have jurisdiction to deal with this case. Therefore, relying on the above interim order passed by this Court, there will be a direction to the 4th



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respondent to transfer all the files in respect of Crime No.1145 of 2019 of Muhamma police station to the Juvenile Justice Board, Alappuzha and the Board shall proceed with the matter, in accordance with law. The Board shall take earnest efforts to dispose of the matter as expeditiously as possible taking into consideration the age of the children in conflict with law.

With the above directions, the Writ Petition disposed of.

Sd/-
BASANT BALAJI
JUDGE

dl/