STATE POLICE COMPLAINTS AUTHORITY

TC No.XV/1402, Lane No. 2, Tagore Nagar, Vazhuthacaud, Thiruvananthapuram - 695014.

Present

Sri. P.K. AravinthaBabu :: Member

Dated this 8th day of January, 2026

O.P. No. 349/2015

Shri. M.N. Janardhanan Nambiar,
S/o Narasimha Embrandiri,
23/268,
Tulsi, SKVC Road,
Thrissur. :: Petitioner

1. Dr. B. Sandhya IPS,
   Former Thrissur Range IGP.
2. Smt. Elizhabath,
   Fromer Women Circle Inspector of Police, Thrissur Vanitha Cell.
3. Shri. K.G. Suresh,
   Former Circle Inspector of Police, Guruvayoor Police Station.
4. Shri. K. Sudharsan,
   Fromer Circle Inspector of Police, Guruvayoor Police Station. :: Respondents
5. Shri. Sasidharan,
   Former ACP, DCRB, Thrissur City (Deleted from party array)
6. Shri. Sivadasan,
   Former ACP, DCRB, Thrissur City.
7. Shri. Krishnankutty,
   Fromer Inspector of Police, SIT, Thrissur Range.
8. Shri. Francis.
   Sub Inspector of Police, SIT, Thrissur Range (No more).

ORDER

The case of the petitioner, as revealed from the petition along with affidavit and argument note, is as follows: -

i. Reetha is the sister of Pradeep, an employee of the petitioner. In the year 2006, she approached the petitioner with a request to lend money. As the petitioner had no money at that time, he introduced his friend Narendran and who gave money to Reetha. In that transaction, Reetha had given two cheques to Narendran and those cheques were dishonored when presented before the bank. Therefore, Narendran filed cheque cases against Reetha and in which the petitioner was examined as witness.

ii. On 14/02/2007, Reetha's friends Ravi and Adv. Betty (Peggy fen) came to the petitioner stating that they are members of Human Rights Commission and threatened the petitioner to withdraw the cheque cases filed by Narendran against Reetha. The petitioner did not heed their demand. Later, the petitioner understood that Ravi and Adv. Betty, in order to help Reetha, impersonated them as members of Human Rights Commission and came to the petitioner. Hence, the petitioner filed a complaint against them before Thrissur Town West police station and a case was registered as crime No.130/2007and it is pending as C.C.No.971/2007. In that case, Reetha had made no allegation of any sexual assault by the petitioner. Based on the complaint of the petitioner the Human Rights Commission recommended strict legal action against them and accordingly a case was registered against them as crime No.31/2009. On 26/03/2008 the petitioner was summoned by Sub Inspector V. Krishnan Kutty (R7) and Francis Chacko (R8), to the office of the Thrissur Range IG and they threatened that the petitioner would be implicated in a rape case at the instance of Reetha, if the cheque cases filed by Narendran are not withdrawn. They said that a complaint of rape was received from Reetha. On 01/03/2009, as per the request of the petitioner under the Right to Information Act he got

information/reply that no such complaint of rape was filed by Reetha in the IG office against the petitioner. Hence the petitioner filed a case against Reetha and R7 & R8 before Human Rights Commission. Human Rights Commission directed the authorities to take legal action against R7 & R8. Petitioner also filed a complaint before DGP on 01/06/2009 and in that matter Deputy Superintendent of Police had taken statement of Reetha, in which no allegation of rape was stated.

iii. On 21/02/2011 petitioner filed a complaint to the DGP to take action against R7 & R8 for the illegal role played by them in falsely implicating the petitioner as a criminal. That complaint was forwarded to the IG, Sandhya (R1) for enquiry. However, R1 without conducting any enquiry into the allegations in the complaint, took a different angle and directed Elizabath (R2) to take statement of Reetha, in such a manner as to indict the petitioner and save R7 & R8 from disciplinary action. Accordingly, a false report was prepared by R1 Sandhya and sent to the ADGP.

iv. Three months after the order of the Human Rights Commission, on 21/06/2011 Reetha was forced by R7 Krishnankutty to file a false complaint before the SHO, Guruvayoor alleging rape on her by the petitioner in June, 2005 & 2006. Accordingly, Reetha gave a statement and a case as crime No.649/2011 was registered against the petitioner. Without conducting a proper investigation K.G Suresh (R3) filed a final report before the court for offence u/s 376 IPC. While the case was pending before the Assistant Sessions Court, as per the court order further investigation was conducted by Sudarsan (R4). He also, without conducting a proper investigation filed final report u/s 376 IPC against the petitioner. On 26/10/2014, as per the order of the Jacob Job IPS again a further investigation was conducted by Sivadasan (R6). He also did not conduct a proper investigation and as done by the predecessors he filed a final report for offence u/s 376 IPC against the petitioner.

v. In fact, in the statements given to the police Reetha had no case of penetrative assault to constitute rape, but has only the

allegation of sexual assault or molestation. Even without any allegation of penetration to attract the offence of rape, petitioner was falsely implicated by the respondents by misusing their power. No amount of fair investigation and further investigation were done by the respondents. Innocent petitioner was illegally prosecuted for the offence of rape. Petitioner suffered mental agony and trauma. Hence stringent action may be taken against the respondents and compensation of Rs.50,00,000 (Rupees Fifty lakhs only) may be allowed from them.

2. First respondent filed written statement and contended that from 07/02/2011 to 09/01/2012 she had worked as IGP, Thrissur Range. On 27/07/2011, the IG office received a complaint from the petitioner (Janardhanan Nambiar) through the office of ADGP, North Zone and the same was entrusted to the Special Investigation Team of IGP for enquiry. On the strength of the statement of Reetha on 21/06/2011, a case as crime No.649/2011 u/s 376 IPC was registered against the petitioner at Guruvayoor police station. Investigation was conducted by the Circle Inspector of Police, Guruvayoor. Before the logical conclusion of the matter, R1 was transferred. Allegations raised by the petitioner against the respondents are false.

3. Second respondent filed a written statement and raised following contentions. She was the Inspector, Vanitha Cell, Thrissur. As per the direction of the Thrissur Range IG, she recorded statement of Reetha, based on which crime No.649/2011 u/s 376 IPC was registered against the petitioner. After due investigation, final report was filed and the case is pending trial before the court. Since R2 had recorded statement of Reetha which was against the petitioner, he filed complaints before several authorities to demoralize and tarnish image of R2. Allegations raised by the petitioner are false.

4. In the written statement filed by third respondent, he contended that on 21/06/2011 Reetha gave a statement before the Circle Inspector of Police, Gurvayoor, alleging that the petitioner had sexually assaulted her in 2005 & 2006. Based on that statement crime No.649/2011 u/s 376 IPC was registered against the petitioner. Since the offence alleged was a grave one, R3 conducted investigation and found that the petitioner had sexually

assaulted Reetha. Therefore, he filed a final report before the court. Based on the complaint of the petitioner, a further investigation was conducted and confirming the offence alleged against the petitioner, again a final report was filed before the court. Since R3 filed the final report against the petitioner, he raised false allegations and filed this petition.

5. Fourth respondent filed written statement and contended that based on the statement of Reetha, crime No.649/2011 u/s 376 IPC was registered against the petitioner. R3, K.G. Suresh conducted investigation and final report was filed before the court. During the pendency of that case, based on the complaint of the petitioner to the City Police Commissioner and as per the court order further investigations was done by R4. There was nothing to suggest that the petitioner was innocent. After investigation, final report was filed against the petitioner on 30/04/2014. R4 has done only his official duty legally. Based on some misunderstanding, the petitioner filed this false complaint.

6. Fifth respondent, in his written statement contended that based on the statement of Reetha a case as crime No.649/2011 u/s 376 IPC was registered against the petitioner at Guruvayoor police station and investigation was done by the Circle Inspector of Police and he filed final report before the court. Petitioner filed a complaint before the District Police Chief, Thrissur disputing the correctness of the case. That complaint was entrusted to R4 and accordingly he conducted a further investigation as per the order of the court. R5 had directed R4 to conduct a fair investigation. In the meanwhile, IG of police directed R5 to take over and conduct the investigation of Radha murder case at Nilambur. From 28/02/2014 onwards he was conducting investigation of that case and it was completed on 07/05/2014. Therefore, R5 could not involve in the investigation of crime No.649/2011 of the Guruvayoor police station. Even before R5 returned to the office of the District Police Chief, R4 had filed final report before the court in crime No.649/2011.

7. Sixth respondent filed a written statement. His contentions are that the case registered against the petitioner as crime No.649/2011 u/s 376 IPC was investigated and charge sheet was filed by the Circle Inspector of Police, Gurvayoor police station. Based on the complaint of the petitioner, a further investigation of the case was conducted by R4 and he also filed

final report against the petitioner. Again, based on the complaint of the petitioner to the District Police Chief, a further investigation was conducted by R6 with the permission of the court and final report was filed against the petitioner confirming the allegation against him. That case is now pending trial before the court. R6 had conducted fair and correct investigation. Allegations raised by the petitioner against the respondents are false.

8. Seventh respondent in his written statement raised the contention that the allegation that R7 attempted to blackmail the petitioner at the instance of Ravi, Peggy Fen and Reetha is false. R7 never coerced or demanded the petitioner to withdraw the complaint filed against Ravi, Peggy fen and Reetha. R7 has not forced Reetha to file false complaint against the petitioner before the Circle Inspector of Police, Guruvayoor. R7 has not played any illegal role against the petitioner and there was no conspiracy between IG office and R2 at the instance of R7 to indict the petitioner. Based on the complaint of petitioner to ADGP regarding crime No.130/2007 of Thrissur West police station, an enquiry was conducted by the IGP on different dates. As part of that enquiry, on 16/02/2008 R7 recorded statement of the petitioner. Thereafter R7 had never met petitioner. R7 has no role in filing the rape case against the petitioner. As per the order of the Human Rights Commission, an oral enquiry was conducted against R7 by Deputy Superintendent of Police (Administration), Palakkad, about the allegation made by the petitioner. After a detailed enquiry, as per the order G-6/46211/2011 dated 25/05/2013, R7 was exonerated from all the charges. Petitioner is harassing R7 by filing false and baseless complaint before various authorities and trying to lower his morale and reputation. Petitioner is not entitled to get any relief as prayed for.

9. Eighth respondent is no more.

10. It is an admitted fact that in connection with some money transactions, Narendran had filed cheque cases against Reetha. In that case, petitioner herein was a witness of Narendran. Reetha alleged that the amount was borrowed from the petitioner. But petitioner alleged that he arranged the money to Reetha through Narendran. Anyway, that dispute not germane for consideration herein. It is the definite case of the petitioner that in order to withdraw the cheque cases filed against Reetha, she had adopted all crooked ways using her friends and some police officers. At first, Ravi and

Adv. Betty came to the petitioner by impersonating that they are from Human Rights Commission and threatened to withdraw the cheque cases. Against this act, petitioner filed complaint before the police and accordingly a case was registered against them in Thrissur Town West Police Station. Petitioner also filed complaint before the Human Rights Commission and the Commission directed to take stringent action against them. Another case was also registered against them. On 26/03/2008 Krishnan Kutty (R7) and Fransis (R8) summoned the petitioner to the office of Thrissur Range IG and threatened to implicate the petitioner in a rape case at the instance of Reetha, if the cheque cases filed against her were not withdrawn. When the petitioner applied for the copy of the complaint alleged to have been filed by Reetha before the IG Office, it was informed from the IG Office that no such complaint of rape was filed by Reetha. This letter is marked as **Ext. P1**. Thereafter the petitioner filed a complaint before the Human Right Commission and the Commission directed to take legal action against the erring Sub Inspectors. This order is marked as **Ext.P3**. Petitioner had also filed a complaint before the DGP on 01/06/2009. In that matter, Deputy Superintendent of Police took statement of Reetha and in that statement, she had no allegation of rape against the petitioner. The statement of Reetha is marked as **Ext.P2**.

11. In 2011, petitioner again filed complaint to DGP requesting to take action against the Sub Inspectors for the role played by them in falsely implicating the petitioner in rape case. That complaint was forwarded to Sandhya (R1) for enquiry. It is alleged by the petitioner that R1, without conducting a proper enquiry and with definite intention to save the Sub Inspectors from disciplinary action, directed Elizhabath (R2) to take statement of Reetha in such a manner to indict the petitioner. Thereafter R1 made a false report and sent it to the ADGP. Copy of report is marked as **Ext.P4**. Statement of Reetha recorded by R2 in the enquiry is marked as **Ext.P5**. On 21/06/2011, that is three months after the order of Human Rights Commission, Krishnan Kutty (R7) forced Reetha to file a false complaint before the Station House Officer, Guruvayoor alleging rape by the petitioner during 2005 & 2006. Accordingly, Reetha gave a statement before the Station House Officer and a case was registered as crime No.649/2011

against the petitioner for offence punishable u/s 376 IPC. Copy of the FIR along with FIS is marked as **Ext.P6**.

12. From the above facts, sequence of events and records, it is very clear that prior to the registration of **Ext.P6** FIR on 21/06/2011, Reetha had no allegation of rape against the petitioner. In the earlier proceedings between petitioner and Reetha before the Human Rights Commission and police, she had not alleged that the petitioner raped her during 2005 & 2006. However, petitioner alleged that during this time R7 & R8 had threatened to implicate him in a false rape case at the instance of Reetha, if the cheque cases were not withdrawn. When the petitioner filed complaint against Reetha and Sub Inspectors before the Authorities complaining that police were falsely trying to implicate him in criminal case, Reetha on 21/06/2011 gave a statement to the police alleging rape and accordingly the FIR was registered against the petitioner. It is important to note that Reetha filed the complaint of rape only six years after the alleged incident. Even prior to that she had ample opportunity to make such an allegation of rape before the Human Rights Commission and the police and that was not done by her.

13. At first, K.G. Suresh (R3) conducted investigation of the rape case and filed a final report against the petitioner, alleging commission of the offence of u/s 376 IPC. Thereafter on two times further investigation was conducted. Second investigation was done by R4 and third investigation was done by R6. Both of them also filed final report against the petitioner alleging the offence of rape. Ultimately Assistant Sessions Court, Thrissur, tried the rape case (SC No.296/2013) and pronounced the judgment on 30/11/2023 and acquitted the accused. Copy of the judgment is marked as **Ext.P7**.

14. A reading of the above judgment would show that the prosecution case and statement of Reetha do not constitute necessary elements to attract the offence of rape u/s 375 IPC (unamended). Reetha, the victim had no case of penile penetration so as to attract the offence of rape. The court observed that "*evidence of DW1 (petitioner herein) coupled with unexplained delay in lodging FIR and the facts and circumstances show that out of enmity due to dispute in financial transactions and the legal action taken at the instance of the accused (petitioner herein) he was falsely implicated in a rape case*". Therefore, the Assistant Sessions court acquitted

the accused (petitioner) of the said offence. That means the court accepted the case of the petitioner herein. In fact, **Ext.P7** judgment strengthened the case of the petitioner. Findings of the Assistant Sessions Court are binding on the parties. There is a clear finding that the petitioner was falsely prosecuted in that rape case. The petitioner has proved his case.

15. Then comes to the question of the role played by the respondents in false prosecution of the case and their responsibility, if any in this matter. Petitioner alleged that when he filed a complaint to the DGP against the Sub Inspectors, R1 was directed to conduct an enquiry. R1 conducted an improper enquiry in such a way to exonerate the police officers and falsely implicate the petitioner in a rape case. For this purpose, she entrusted R2 to take statement of Reetha in such a manner as to implicate the petitioner. Accordingly, R2 took statement of Reetha implicating the petitioner. However, both R1 and R2 denied the allegation and according to them they acted as per law and performed their duty legally. The petitioner could not prove that R1 and R2 had taken special interest to hook the petitioner in false case and for that purpose they acted illegally. R1 had only directed R2 to take statement of Reetha. Thereafter she had no role in that enquiry as she was transferred from the post of IG, Thrissur Range. R2 had only recorded statement of Reetha. She had also no role thereafter. There is no evidence to show that R1 and R2 had instigated or coerced Reetha to give false statement against the petitioner. Hence it is not possible to find that R1 and R2 had any role or that they acted illegally and deliberately to include the petitioner in rape case. So, it is found that the petitioner has not made out a prima facie case against R1 and R2. So, they cannot be made liable in this matter.

16. Then comes to the role of R7. It is alleged by the petitioner that right from the beginning, it was Krishnan Kutty (R7) who acted against the petitioner and illegally supported Reetha in order to compel the petitioner to withdraw the cheque cases filed against her. When the petitioner did not heed their demand, R7 threatened the petitioner to implicate in rape case at the instance of Reetha. At that time, petitioner had filed a complaint to the Human Rights Commission. As per the order of the Human Rights Commission, a disciplinary enquiry was conducted against R7. After the enquiry, R7 was exonerated from the charges as per the order

G6/46211/2011 dated 25/05/2013. This is not disputed by the petitioner. That means, based on the same set of complaint of the petitioner against R7, the higher authority of the police had conducted a disciplinary enquiry and thereafter R7 was exonerated from the charge. That order became final and nobody challenged the said order before any other authority. Even if, R7 had done any illegality as alleged, what this Authority can do is to give a direction to initiate disciplinary enquiry against R7. Since there was already a concluded enquiry against R7 on the same set of allegations, any further direction by this Authority for another enquiry against R7 is not necessary and possible. Therefore, this Authority is not expected to pass any direction to take action against R7 in this matter.

17. Then comes to the role of other respondents. R5 was deleted from the party array. R8 is no more. R3, K.G. Suresh, was the Circle Inspector of Police who conducted the original investigation and filed the final report against the petitioner. He was expected to conduct a fair investigation in to the allegation of rape in the statement of Reetha. Prima facie it is clear that without any sufficient material to constitute the offence of rape, R3 filed the final report merely based on the allegation/statement that the victim was sexually assaulted by the petitioner. Nature and details of the sexual act were not clearly mentioned in the statement and report. In a rape case this point is very much crucial and important. The investigating officer must know this. But the petitioner was acquitted by the court from the rape case based on this point. Therefore, it is clear that R3 without conducting a proper and fair investigation, either maliciously or corruptly filed a false report to the court against the petitioner knowing that it is contrary to law. As a result, the petitioner was unnecessarily prosecuted before the court law. R3 filed the final report against the petitioner and commit him for trial, knowing that he acting contrary to law.

18. When the petitioner filed a complaint before the higher authority against the final report filed against him, further investigation was ordered two times. First further investigation was done by K. Sudarsan (R4). He also did not investigate the case properly. As done by the predecessors, he also simply filed a final report against the petitioner, considering the statement of Reetha. Same way Sivadasan (R6) also conducted further investigation and did the same thing. They simply accepted the statement of Reetha that she

was sexually assaulted by the petitioner and accordingly filed the final report. In fact, they did not conduct a fair investigation to know whether ingredients to attract the offence of rape is mentioned in the statement of Reetha. They were expected to confirm it before filing the final report against the petitioner. In fact, this was not done by R4 and R6. As a result, the petitioner was falsely prosecuted and was finally acquitted by the court. This was so happened due to the fault of R4, R6 and victim. As stated earlier, as done by R3, a proper investigation was not done by R4 and R6 also. They also corruptly or maliciously filed a final report knowing that it was contrary to law and thereby maliciously committed the petitioner for trial knowing that it was contrary to law. No doubt, these acts of R3, R4 and R6 constitute offences punishable u/s 219 & 220 IPC. The after effects of their acts were devastating. An old man was unnecessarily tried for offence of rape. He was unnecessarily dragged to litigations. Right from the beginning, the petitioner had apprehended institution of such a false case against him at the instance of Reetha and police. Therefore, he fought against them from the inception. He proved that his apprehension was true. Now, the petitioner alleged that due to the false prosecution, his time, reputation and the entire family life were ruined. His life became miserable. No doubt, this is true and convincing. Petitioner has prima facie proved his case as alleged against R3, R4 and R6. Hence legal action need be taken against them. Whereas petitioner couldn't prove his case against other respondents. Therefore, no action need be taken against them.

19. In the result, petition stands allowed against R3, R4 and R6 only. The Inspector General of Police, Thrissur Range is directed to take steps for registration of criminal case at the earliest against R3, R4 and R6 for offences punishable u/s 219 and 220 IPC. Compliance of this direction shall be reported to this Authority within a month.

Dated this the 8th January 2026.

P.K. Aravintha Babu,
Member.

APPENDIX

Petitioner's Exhibit

Ext. P1	:	Letter of Inspector General of Police Thrissur, dated 24/03/2009
Ext. P2	:	Statement Reetha recorded by DySP.
Ext. P3	:	Order of Human Rights Commission in HRMP No.3081/2009 dated 21/03/2011.
Ext. P4	:	Report of Inspector General of Police, Thrissur Raged dated 06/01/2012.
Ext. P5	:	Statement of Reetha recorded by Elizhabath (R2).
Ext. P6	:	FIS & FIR in crime No.649/2011 Guruvayoor Police Station
Ext.P7	:	Judgement in SC No.296/2013 of Principal Asst. Sessions Judge, Thrissur dated 30/11/2023.

P.K. Aravintha Babu
Member

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