



2026:KER:5035

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

WEDNESDAY, THE 21ST DAY OF JANUARY 2026 / 1ST MAGHA, 1947

CRL.MC NO. 5884 OF 2022

CRIME NO.41/2020 OF KAVARATHI POLICE STATION, LAKSHADWEEP
AGAINST THE ORDER/JUDGMENT DATED IN SC NO.10 OF 2022 OF
DISTRICT & SESSIONS COURT, KAVARATHY

PETITIONERS/ACCUSED:

- 1 XXXXXXXXXX
XXXXXXX XXXXXXXXXX
- 2 XXXXXXXXXX
XXXXXXX XXXXXXXXXX

BY ADVS.
SRI.R.ROHITH
SMT.HARISHMA P.THAMPI

RESPONDENTS/COMPLAINANT:

- 1 UNION TERRITORY OF LAKSHADWEEP
REPRESENTED BY STANDING COUNSEL, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 681031

- 2 STATION HOUSE OFFICER
KAVARATTI POLICE SATATION KAVARATTI ISLAND,
LAKSHADWEEP, PIN - 682555

BY ADVS.
SHRI.SAJITH KUMAR V., SC, LAKSHADWEEP
ADMINISTRATION
SHRI.R.V.SREEJITH, SC, U.T.ADMINISTRATION OF
LAKSHADWEEP



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OTHER PRESENT:

SR.PP-SRI.A.VIPIN NARAYAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21.01.2026, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**



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ORDER

Dated this the 21st day of January, 2026

The petitioners who are the accused persons in S.C.No.10/2022 on the file of the Sessions Court (Special Court for POCSO Act) Kavarathy, arising out of Crime No.41 of 2020 of Kavarathy police station filed this petition under Section 482 Cr.P.C. praying for quashing all further proceedings against him. The offence alleged against the petitioners is under Section 22 of Protection of Children from Sexual Offence Act (POCSO Act).

2. The prosecution case is that on the basis of a false information furnished by the petitioners, Crime No.41/2020 was registered against the accused therein and upon investigation it is revealed that no such offence was committed by the accused. Therefore, after investigation, the police dropped the prosecution against the accused therein and the petitioners were arrayed as accused alleging that they have committed the offence under Section 22 of the POCSO Act.

3. According to the learned counsel for the petitioners, since,



the offence allegedly committed by the accused was under Section 12 of the POCSO Act, even if it is assumed that it was a false complaint, the same will not constitute an offence under Section 22 of the above Act.

4. Section 22(1) of the POCSO Act reads as follows:-

(1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

5. On a perusal of the above provision, it is clear that, only if the information furnished is about the commission of an offence punishable under sections 3, 5, 7 or 9, of the above Act, the same will amount to an offence under Section 22 of the POCSO Act. In the instant case, even as per the prosecution case, the crime registered against the accused on the basis of the information furnished by the petitioners is only under Section 12 and as such even if the entire allegations leveled against the petitioners is believed as such, the same will not amount to an offence punishable under Section 22 of the POCSO Act. Therefore,



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continuation of the prosecution against the petitioners will only be an abuse of the process of the Court and as such the same is liable to be quashed by invoking the power under Section 482 of Cr.P.C.

In the result, this Crl. M.C is allowed. All further proceedings against the petitioners in S.C.No.10/2022 on the file of the Sessions Court (Special Court for POCSO Act) Kavarathy, arising out of Crime No.41 of 2020 of Kavarathy police station, stands quashed.

Sd/-

**C. PRATHEEP KUMAR,
JUDGE**

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