

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

Wednesday, the 21<sup>st</sup> day of June 2023 / 31st Jyaishtha, 1945

WP(CRL.) NO. 609 OF 2023(S)

**PETITIONER:**

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**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY THE HOME SECRETARY, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. DIRECTOR GENERAL OF POLICE & STATE POLICE CHIEF, STATE POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 010.
3. SUPERINTENDENT OF POLICE & DISTRICT POLICE CHIEF, IDUKKI, DISTRICT POLICE OFFICE, IDUKKI, THODUPUZHA ROAD, PAINAVU, IDUKKI DISTRICT, PIN - 685 603.
4. DEPUTY SUPERINTENDENT OF POLICE - THODUPUZHA, THODUPUZHA PO, IDUKKI DISTRICT, PIN - 685 603.
5. STATION HOUSE OFFICER, THODUPUZHA POLICE STATION, THODUPUZHA P.O, IDUKKI DISTRICT, PIN - 688 584.

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(CrL.) the High Court be pleased to direct the 2nd respondent to immediately consider Exhibits P5 complaint of the petitioner, and to take steps to immediately remove the images, identity of the petitioner and defamatory articles and videos about the petitioner from the Exhibit P6 links online media links forthwith, so as to render the justice adequately, pending the above writ petition, in the interest of justice.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(CrL.) and upon hearing the arguments of M/S. P.T.SHEEJISH, TOM THOMAS , SANDRA TOM, A.ABDUL RAHMAN, HEMANTH H. & APARNA V. DEVASSIA, Advocates for the petitioner and of PUBLIC PROSECUTOR for the respondents, the court passed the following:

P.T.O.

**APPENDIX OF W.P(CRL.) NO. 609/2023**

**EXHIBIT P5**

**TRUE COPY OF THE COMPLAINT DATED 12/06/2023 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

**EXHIBIT P6**

**TRUE COPY OF THE ONLINE LINKS IN WHICH THE PETITIONER / VICTIM'S IDENTITY IS PUBLISHED.**



**K.BABU, J.**

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**W.P(CrI).No.609 of 2023**  
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Dated this the 21<sup>st</sup> day of June, 2023

**ORDER**

The petitioner is a certified Ayurvedic Therapist, Beautician and Massage & Spa Therapist. Thodupuzha Police registered FIR No.389/2023 alleging offences under the Immoral Traffic (Prevention) Act, 1956. The petitioner and some other women were arraigned as victims in this crime. The grievance of the petitioner is narrated in paragraph 11 of the Writ Petition (Criminal), which is extracted below:

“11. Significantly, though the petitioner is arraigned as a victim in the above case, her name, images and details were uploaded and published in the online media links and YouTube channels, the that when the humiliation and cyber-attacks became unbearable for the petitioner, she had submitted detailed complaints before the respondents 3 and 5 showing her grievances and requesting to take immediate steps for the removal of her images and details from the online media links and YouTube channels. True copy of the complaint dated 12.05.2023 submitted by the petitioner before the 5<sup>th</sup> respondent is produced herewith and marked as Ext.P3. True copy of the complaint dated 26.05.2023 submitted by the petitioner before the 3<sup>rd</sup> respondent is produced herewith and marked as Ext.P4.”

2. Heard both sides.

3. It is submitted that the petitioner is deprived of the right to

perform her profession. It is contended that the circulation of her name, images etc., in social media encroaches on her privacy.

4. Privacy is the ultimate expression of the sanctity of the individual. There cannot be dignity to an individual without privacy. It is a constitutional value founded on fundamental rights. Privacy with its attended values assures dignity to the individual. Dignity is the core which unites fundamental rights. Privacy is the constitutional core of human dignity. It is submitted that the petitioner has filed Ext.P5 complaint before the State Police Chief seeking to take steps to remove the images, identity of the petitioner and defamatory articles and videos about the petitioner from the media links, but no steps have been taken.

5. Therefore, respondent No.2 is directed to take steps to remove the images of the petitioner from the online media links mentioned in Ext.P6.

Post on 27.06.2023.

Sd/-  
**K.BABU,**  
**JUDGE**

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