

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.5131 OF 2025
(Arising out of SLP(Crl.)No.5053 OF 2025)

SURAJ V SUKUMAR @ SURAJ PALAKARAN

... APPELLANT

Versus

STATE OF KERALA

... RESPONDENT

O R D E R

1. Leave granted.

2. The appellant claims to be a journalist who allegedly reported an incident in which the mother of a minor child was unfortunately accused of sexually exploiting her own son, which the appellant asserted was totally false and that the minor son was misled by the child's father in making such wild allegations against his mother. The appellant uploaded the news on his YouTube Channel where it seems that the pictures of the father of the child and their relatives appeared. This led to the disclosure of the identity of the victim child-which undoubtedly is an offence under Sections 23 and 23(4) of the POCSO Act.

3. What is pertinent to note here is that the voice raised by the appellant in favour of the mother of the victim child was eventually found to be truthful, and the allegations which the minor child was apparently coerced to make against his mother were found to be false.

4. It is in this backdrop that the appellant approached the High Court for quashing of the case registered against him regarding the disclosure of the identity of the minor victim. The High Court, vide the impugned judgment, has declined to quash those proceedings.

5. Ordinarily, the view taken by the High Court, being the correct statement of law, ought to be affirmed by this Court. There can be no exception that the disclosure of the identity of a child victim is no less serious than the original offence alleged in this case. The explanation submitted by the appellant, however, in this regard merits some consideration. He has stated on an affidavit that he neither disclosed the identity of the victim child nor ever intended to do so. He has further explained that the indirect disclosure of the identity of the victim child did not lower the reputation of the child or his mother. It is difficult for this Court to conclusively accept or reject this assertion. However, taking into consideration all the attending circumstances, and with a view to afford an opportunity to the appellant to reform himself and ensure that no such serious lapse takes place in future, we allow this appeal in the following terms:

(i) Crime No.2/2021, registered against the appellant under Sections 23 and 23(4) of the POCSO Act, registered at Cyber Crime Police Station, Thiruvananthapuram Rural, and all the proceedings emanating therefrom are hereby quashed.

(ii) Direction No.(i) above is subject to the condition that the appellant shall furnish an unconditional undertaking by way of affidavits—one before the above-

mentioned Police Station and another before the jurisdictional Sessions Judge within one week, giving an undertaking that in the future programs, he will not upload by himself or through associates any such incriminating material, and no such lapse will ever occur and that he shall meticulously follow the stringent provisions of the POCSO Act or other penal laws in this regard.

(iii) If the appellant fails to submit the above-stated unconditional undertaking or if he violates such undertaking in future, the proceedings in Crime No.2/2021 shall stand automatically revived and the bail order, if any, passed in that case shall also then be deemed to have been cancelled. Ordered accordingly.

6. The appeal stands disposed of in the above terms.

7. As a result, the pending interlocutory applications also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
DECEMBER 01, 2025.

ITEM NO.12

COURT NO.1

SECTION II-D

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).5053/2025

[Arising out of impugned final judgment and order dated 09-09-2024 in CRLMC No.244/2023 passed by the High Court of Kerala at Ernakulam]

SURAJ V SUKUMAR @ SURAJ PALAKARAN

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

FOR ADMISSION and I.R.

IA No. 74108/2025 - CONDONATION OF DELAY IN FILING

IA No. 74109/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 74110/2025 - EXEMPTION FROM FILING O.T.

Date : 01-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Mr. Adolf Mathew, Adv.
Mr. Shishir Pinaki, AOR

For Respondent(s) Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Mahabir Singh, Adv.
Mr. Anshul Saharan, Adv.
Mr. Bhupender Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)

ADDITIONAL REGISTRAR

(PREETHI T.C.)

ASSISTANT REGISTRAR

(signed order is placed on the file)

