

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
Thursday, the 8th day of June 2023 / 18th Jyaishta, 1945
WP(CRL.) NO. 570 OF 2023(S)

PETITIONER:

K. SUDHAKARAN, AGED 74, (MEMBER OF PARLIAMENT & KPCC PRESIDENT),
LAL VIHAR, KIZHUNNA P.O, KANNUR DISTRICT,
KERALA, PIN - 670 007.

RESPONDENTS:

1. STATE OF KERALA, DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001, REPRESENTED BY THE SECRETARY.
2. STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD P.O,
THIRUVANANTHAPURAM, PIN - 695 010.
3. THE COMMISSIONER OF POLICE, ABDUL KALAM MARG, MARINE DRIVE,
ERNAKULAM, PIN - 682 011.
4. STATION HOUSE OFFICER, CENTRAL POLICE STATION, ERNAKULAM, PIN - 682
018.
5. SUB-INSPECTOR OF POLICE, CENTRAL POLICE STATION, ERNAKULAM, PIN -
682 018.
6. BENEDICT FERNANDEZ COUNCILLOR, DIVISION NO. 27, KOCHI MUNICIPAL
CORPORATION, ERNAKULAM, PIN - 682 011.

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 stay Exhibit P-1 FIR in Crime No.902 of 2023 on the file of the Central Police Station, Ernakulam and Exhibit P-2 notice and all further proceedings pursuant to Exhibit P-1 FIR and Exhibit P-2 notice pending disposal of the writ petition.

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. C.S.MANU, V.S.CHANDRASEKHARAN, DILU JOSEPH, C.A.ANUPAMAN, T.B.SIVAPRASAD, C.Y.VIJAY KUMAR, MANJU E.R., ANANDHU SATHEESH & ALINT JOSEPH, Advocates for the petitioner and of PUBLIC PROSECUTOR for R1 to R5, the court passed the following:

P.T.O.

BECHU KURIAN THOMAS, J.

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W.P.(Crl.) No.570 of 2023

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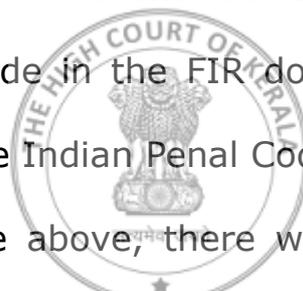
Dated this the 8th day of June, 2023

ORDER

Admit. The learned Public Prosecutor takes notice for respondents 1 to 5. issue notice by speed post to the 6th respondent.

2. In view of the contentions raised, I am prima facie satisfied that the allegations made in the FIR do not make out an offence under Section 153 of the Indian Penal Code, 1860.

3. In view of the above, there will be a stay of all further proceedings in Crime No.902 of 2023 of the Ernakulam Central Police Station, for a period of three months.



Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF WP(CRL.) 570/2023

Exhibit P-1

TRUE COPY OF THE FIR BEARING CRIME NO. 902 OF 2023 ON THE FILE OF THE CENTRAL POLICE STATION, ERNAKULAM.

Exhibit P-2

TRUE COPY OF THE NOTICE BEARING NO. TD.1021/CE/21/EKM DATED NIL BEARING SERIAL NO. NIL UNDER SECTION 41A CR.P.C ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.

