

Crl.M.C.No. 4778 of 2020



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2025:KER:44462

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 20TH DAY OF JUNE 2025 / 30TH JYAISHTA, 1947

CRL.MC NO. 4778 OF 2020

PETITIONER/COMPLAINANT:

SOYA ANTONY
AGED 48 YEARS, W/O. MOHANAN NAIR,
PLATHOTTAHIL HOUSE, MUTTOM P O,
THODUPUZHA, PIN -685587,
NOW RESIDING AT 21 CEDAR AVENUE,
ALFREDTON, BALLARAT,
VICTORIA, AUSTRALIA.

BY ADVS.
SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI
SHRI.SAJEEV.T.P.

RESPONDENTS/STATE:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
- 2 THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM - 695014.
- 3 DISTRICT POLICE CHIEF
IDUKKI, PULIYANMALA ROAD,
IDUKKI COLONY POST, CHERUTHONI,
KERALA - 685602.

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- 4 DEPUTY SUPERINTENDENT OF POLICE,
 THODUPUZHA, THODUPUZHA TOWN ROAD,
 THODUPUZHA, KERALA - 685584
 - 5 VANITHA P.S
 IDUKKI, PULIYANMALA ROAD,
 IDUKKI COLONY POST, CERUTHONI,
 KERALA - 685602.
 - 6 THE STATION HOUSE OFFICER
 MUTTOM POLICE STATION,
 MOOLAMATTOM ROAD,
 MUTTOM, KERALA - 685587.
 - 7 THE DISTRICT POLICE CHIEF
 ALAPPUZHA CCSB ROAD, CIVIL STATION WARD,
 ALAPPUZHA, KERALA - 688012.
- BY SRI.E.C.BINEESH-SR.PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20.06.2025, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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ORDER

The petitioner is an Indian citizen, now residing at Australia. She filed a complaint against her husband through e-mail to the Director General of Police, Kerala. It appears that the Director General of Police, Kerala forwarded the complaint to the jurisdictional police station i.e., Muttom police station. Thereafter, Muttom police refused to take action on the complaint stating that an unsigned complaint sent through e-mail cannot be accepted and that since the petitioner is residing at Australia, her personal presence cannot be secured. The communication given by the Muttom Police is produced as Annexure A9. The petitioner has approached this Court challenging Annexure A9.

2. I have heard Sri.T.B.Shajimon, the learned counsel for the petitioner and Sri.E.C.Bineesh, the learned Senior Public Prosecutor.

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3. The implementation of Section 173 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), marks a significant shift in how the police handles information relating to the commission of a cognizable offence. Now, Zero FIR has been given statutory recognition by incorporating it in Section 173 of BNSS, which deals with the registration of FIR in cognizable cases. Zero FIR has been introduced with the primary purpose of ensuring that victims can file complaints regardless of jurisdiction. Therefore, the police cannot refuse to register an FIR if a cognizable offence is made out in the complaint, even if the complaint is forwarded from a foreign country. In these circumstances, the rejection of Annexure A7 complaint made by the petitioner on the ground that it was unsigned and sent through e-mail from Australia cannot be justified.

Annexure A7 complaint was given in the year 2020. The learned counsel for the petitioner submitted that the petitioner

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is prepared to give a fresh complaint. Hence, this Crl.M.C.is disposed of directing the respondent No.6 to act upon the complaint, if any, given by the petitioner following the procedure contemplated in BNSS, especially Section 173 of BNSS.

Sd/-
DR. KAUSER EDAPPAGATH,
JUDGE

APA

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APPENDIX OF CRL.MC 4778/2020

PETITIONER ANNEXURES

ANNEXURE A1	THE COPY OF THE OVERSEAS CITIZEN OF INDIA CARD OF THE PETITIONER.
ANNEXURE A2	THE COPY OF THE MARRIAGE CERTIFICATE.
ANNEXURE A3	THE COPY OF PASSPORT COPY OF MR.MOHANAN NAIR.
ANNEXURE A4	THE COPY OF THE CERTIFICATE OF ENTRY OF THE BIRTH OF AN INDIAN CITIZEN.
ANNEXURE A4 (a)	THE COPY OF THE PHOTOGRAPH OF MR. MOHANAN NAIR ALONG WITH PETITIONER AND THEIR CHILD.
ANNEXURE A5	THE COPY OF THE ORDER IN WP(C) NO. 28971/2009.
ANNEXURE A5 (a)	THE COPY OF THE OWNERSHIP CERTIFICATE.
ANNEXURE A5 (b)	THE COPY OF THE RESIDENCE CERTIFICATE.
ANNEXURE A6	THE COPY OF THE PASSPORT AND VISA STAMPING OF THE PETITIONER.
ANNEXURE A7	A COPY OF EMAIL COMPLAINT TO DISTRICT POLICE CHIEF, ALLAPPUZHA GIVEN BY PETITIONER.
ANNEXURE A7 (a)	THE COPY OF THE E-MAIL COMPLAINT GIVEN TO THE 2 TO 6TH RESPONDENT.
ANNEXURE A7 (b)	THE COPY OF THE POWER OF ATTORNEY EXECUTED BY MOHANAN NAIR INFAVOURE OF HIS 1ST WIFE NIRMALA M.NAIR.
ANNEXURE A7 (c)	THE PHOTOGRAPH OF MOHANAN NAIR WITH HIS WIFE NIRMALA M.NAIR AND THEIR CHILDREN.
ANNEXURE A-8	THE COMPUTER PRINTOUT COPY OF THE REPLY GIVEN BY THE PETITIONER.
ANNEXURE A9	THE COPY OF THE LETTER DATED 12.09.2020 ISSUED BY THE 6TH RESPONDENT.
ANNEXURE A10	THE COPY OF THE DIRECTION LETTER ISSUED BY THE MINISTRY OF HOME AFFAIRS, CENTER STATE DIVISION.
ANNEXURE A10 (a)	THE COPY OF THE FAQ IN KERALAPOLICE.GOV.IN.