

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Cr1.MC.No. 1556 of 2015

IN CC 6310/2014 of J.M.F.C. - I, CHALAKUDY

PETITIONER/ACCUSED:

PRASANTH GOPINATH, AGED 33 YEARS,
S/O.GOPINATHAN NAIR, GOWRI NANDANAM HOUSE,
EAST KADUNGALLUR, ALUVA, ERNAKULAM.

BY ADVS.SRI.P.SREEKUMAR
SRI.RAJESH THOMAS

RESPONDENTS/COMPLAINANTS:

1. DIVYA SHINTO,
KALAPPURACKAL HOUSE, EDATHIRINJI P.O,
THRISSUR DISTRICT, KERALA, 680 122.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 31.

R1 BY ADV. SRI.N.MANU THAMPI
R1 BY ADV. SRI.DARSAN SOMANATH
R2 BY PUBLIC PROSECUTOR SMT.S HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 1556 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: COPIES OF SOME OF THE E MAILS SENT TO THE IST
RESPONDENT BY THE PETITIONER

ANNEXURE-A2: COPIES OF THE FIRST INFORMATION REPORTS AND
THE FINAL REPORT IN C C NO.6310 OF 2014 OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, CHALAKKUDY.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1556 of 2015

Dated this the 17th day of August, 2015

O R D E R

A prosecution involving the offences under Section 118(d) of the Kerala Police Act and under Section 506(i) of the Indian Penal Code is sought to be quashed by the petitioner, who is the accused in the said case. Crime in this case was registered on the complaint of the first respondent herein, who was a sales officer in the company where the petitioner herein was Location Head. Her main grievance is that she was many times threatened by the petitioner that she would be transferred, and on all those occasions the petitioner had used abusive words through telephone. So far as the offence under Section 118(d) of the Kerala Police Act is concerned the Supreme Court has declared it unconstitutional. Now what remains is Section 506(i) IPC. In spite of notice, the first respondent remained absent. It appears that she also believes that she does not have a proper and legal complaint, to come under Section 506(i) IPC. The threat that she would be transferred to some other place will not amount to criminal

intimidation as meant under the law. So also use of abusive words will not be sufficient to bring a prosecution under Section 506(i) IPC. I find that the present prosecution under Section 506 (i) IPC is really unsustainable. It is just and proper that such a prosecution be quashed, so that the precious time of the trial court could be saved.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioner in C.C. No.6310/2014 of the Judicial First Class Magistrate Court, Chalakkudy will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**