

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 3905 of 2015)

CRIME NO. 1151/2012 OF CHAKKARAKKAL POLICE SATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

**SUMESH, AGED 36 YEARS,
S/O. SUJATHA, MUZHAPALA, KANNUR.**

BY ADV. SRI.V.PREMCHAND

RESPONDENT(S)/DEFACTO COMPLAINANT:

**1. RUSEENA T.P.,
ANUGRAH, POOVAMTHUMTHARA, MOWENCHERY P.O.,
KANNUR-670 562.**

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.K.SUBASH CHANDRA BOSE
R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I: TRUE COPY OF THE FIRST INFORMATION REPORT DATED 24.11.2012
OF CHAKKARAKAL POLICE STATION.**

**ANNEXURE II: TRUE COPY OF THE AFFIDAVIT DATED 18.6.2015 EXECUTED BY THE
1ST RESPONDENT.**

**ANNEXURE III: TRUE COPY OF CHARGE SHEET DTD.NIL FILED BY THE
CHAKKARAKAL POLICE BEFORE THE CHIEF JUDICIAL MAGISTRATE
COURT, THALASSERY.**

**ANNEXURE VI: TRUE COPY OF FINAL REPORT DTD.28.4.2013 FILED BY THE
CHAKKARAKAL POLICE BEFORE THE CHIEF JUDICIAL MAGISTRATE
COURT, THALASSERY.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

P.UBAID, J.

=====

Crl.M.C.No.3905 of 2015

=====

Dated this the 20th day of August, 2015

ORDER

A prosecution involving the offence under Section 118(d) of the Police Act is sought to be quashed. The case is now pending as C.C.No.1481 of 2013 before the Chief Judicial Magistrate Court, Thalassery. Much parties are not required on this application because, Section 118(d) of the Kerala Police Act stands declared unconstitutional by the Honourable Supreme Court. In such a situation, this prosecution cannot proceed.

In the result, this petition is allowed. Prosecution against the petitioner in C.C.No.1481 of 2013 to the Court below will stand quashed under Section 482 Cr.P.C.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE