

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936**

**Crl.MC.No. 5243 of 2013 (E)**  
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**AGAINST THE ORDER/JUDGMENT IN CC 210/2012 OF JUDICIAL FIRST CLASS  
MAGISTRATE-I, THRISSUR**

**CRIME NO. 2345/2011 OF TOWN EAST POLICE STATION , THRISSUR**

**PETITIONER/ACCUSED:**  
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**N.KAILASA KUMAR  
POONOOHRA HOUSE, VETUKAD P.O, THRISSUR 680 014**

**BY ADVS.SRI.K.RAMAKUMAR (SR.)  
SRI.S.M.PRASANTH  
SMT.ASHA BABU  
SRI.M.MANOJKUMAR (CHELAKKADAN)  
SMT.AMMU CHARLES  
SRI.K.T.SIDHIQ**

**RESPONDENTS/STATE:**  
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**1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM 682 031**

**2. THE STATION HOUSE OFFICER,  
THRISSUR EAST POLICE STATION, THRISSUR 680 005**

**ADDL. R3:SMT. DEEPA, D/O. VASUDEVAN  
DEEPAM HOUSE, PERINGAVU  
THRISSUR 680 018**

**[IMPLEADED AS ADDITIONAL R3 AS PER ORDER DATED 20.11.2013 IN  
CRL.M.A.9346/2013 IN CRL.M.C.5243/2013]**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.  
R3 BY ADV. SRI.G.SREEKUMAR (CHELUR)**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06-01-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 5243 of 2013 (E)**  
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**APPENDIX**

**PETITIONER'S ANNEXURES**  
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**ANNEXURE A TRUE COPY OF THE CHARGE SHEET FILED BY THE POLICE BEFORE  
THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO.1,THRISSUR**

**RESPONDENTS' ANNEXURES**  
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**NIL**

*//True copy//*

P.A. TO JUDGE

Shg/

**K. ABRAHAM MATHEW, J.**

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**Crl.M.C.No.5243 of 2013**  
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**Dated this the 6<sup>th</sup> day of January, 2015**

**O R D E R**

The petitioner is the accused in C.C.No.210/2012 on the file of the Judicial First Class Magistrate Court-I, Thrissur. He is alleged to have committed the offence under Section 119 (a) of the Kerala Police Act. The accusation is that at a showroom where the third respondent was working as a sales girl, the petitioner, who was working as a manager in the showroom made sexual gestures and other acts degrading her dignity. The petitioner's prayer is to quash the proceedings on the ground that the place of occurrence is not a public place.

2. Heard the learned senior counsel for the petitioner, learned Public Prosecutor and the learned counsel for the third respondent.

3. The sole ground on which the petitioner wants to quash the proceedings is that the place of occurrence is not a public place. Public place is defined in Section 2 (j) of the

Kerala Police Act. I think, in the circumstances of the case, it is for the Magistrate to decide whether the place of occurrence is a public place or not. The petitioner may raise this point as a preliminary point, whereupon, the learned Magistrate shall consider it before charge is framed. It is not proper to invoke the jurisdiction of this court under Section 482 Cr.P.C. at this stage.

In the result this Crl.M.C. is disposed of with a direction to the learned Magistrate concerned to decide the question whether the place of occurrence is a public place as defined in Section 2 (j) of the Kerala Police Act before charge is framed.

Sd/-

**K. ABRAHAM MATHEW**  
**JUDGE**

//True copy//

P.A. TO JUDGE

shg/