

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

CrI.MC.No. 6575 of 2015 ()

**C.C.NO. 139/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR
CRIME NO. 144/2014 OF ADOOR POLICE STATION , PATHANAMTHITTA**

PETITIONERS/ACCUSED:

**K.K. GOPAKUMAR, AGED 46 YEARS,
S/O. KUTTAN PILLAI, AKHIL BHAVAN, PATTAZHI THEKKETHERI MURI,
PATTAZHI VILLAGE, PATHANAPURAM TALUK.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENTS/STATE, COMPLAINANT AND DEFACTO COMPLAINANTS:

- 1. STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682 031.**
- 2. THE SUB INSPECTOR OF POLICE, ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT- 689 645.**
- 3. KALACHANDRAN, AGED 44 YEARS, W/O. CHANDRASEKHARA PILLAI,
CHARUVILA KANJIRATHU VEEDU, MELODU MURI, PERINGANADU
VILLAGE, ADOOR TALUK, PATHANAMTHITTA DISTRICT – 689 645.**
- 4. SREEKUMARI, AGED 51 YEARS, W/O. VIJAYENDRAN, VIJAY
BHAVANAM, MELODU MURI, PERINGANADU VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT – 689 645.**

R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6575 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE-I: THE CERTIFIED COPY OF THE FIR IN CRIME NO. 144/2014 OF ADOOR
POLICE STATION.**

**ANNEXURE-II: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 144/2014
OF ADOOR POLICE STATION.**

RESPONDENT(S)' ANNEXURE: **NIL**

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

=====

Crl.M.C.No.6575 of 2015

=====

Dated this the 8th day of October, 2015

ORDER

A prosecution involving the offence under Section 118(d) of the Kerala Police Act is sought to be quashed under Section 482 Cr.P.C. on the ground that the said prosecution cannot continue in view of the recent decision of the Honourable Supreme Court. The State cannot object this application. Recently, the Honourable Supreme Court has declared Section 118(d) of the Kerala Police Act as unconstitutional. In such a situation, the prosecution is liable to be quashed. Hence, the petition is allowed. The prosecution against the petitioner in C.C.No.139 of 2015 of the Judicial First Class Magistrate Court, Adoor will stand quashed under Section 482 Cr.P.C.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE