

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 2ND DAY OF JUNE 2025 / 12TH JYAISHTA, 1947

CRL.MC NO. 4227 OF 2025

CRIME NO.353/2025 OF THUMBA POLICE STATION,
THIRUVANANTHAPURAM

PETITIONER:

DR. BIBILASH B.S, PROPRIETOR COSMETIQ HOSPITAL,
AGED 40 YEARS
THE PROPRIETOR AND PLASTIC SURGEON COSMETIQ CLINIC,
KULATHUR, JNRAA 176, ARASAMOODU TRIVANDRUM
RESIDING AT B.S BHAVAN, EDAYATHU
KZHAKKATHIL, THRIKKAVURA, KANJAVELY,
KOLLAM, PIN - 691602

BY ADVS.
SMT.GAYATHRI R.
SHRI.S.JAYANT
SMT.ABHIREMYA RAJ R B
SHRI.GOVIND V.P.

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 THE OFFICE OF ASSISTANT COMMISSIONER OF POLICE
CYBERCITY SUBDIVISION,
THIRUVANANTHAPURAM, PIN - 695582

BY SRI. M.C. ASHI, PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02.06.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the proprietor of the Cosmetiq Hospital in Kazhakkuttam, which according to the petitioner is a specialized hospital for plastic surgery and dermatology. The grievance of the petitioner is regarding the closure of the hospital by Annexure 9 notice, following the registration of Crime No.353 of 2025 at the Thumba Police Station for the offence under Section 125 of the Bharatiya Nyaya Sanhita, 2023. The crime is registered on the allegation that pursuant to fat grafting surgery undergone by a patient named Neethu, she had to be shifted to a multidisciplinary care hospital and had to undergo treatment in the ICU for prolonged period.

2. Learned counsel for the petitioner submits that by reason of Annexure 9 notice issued under Section 168 of the BNSS, the activities at the hospital have come to a standstill and it is not possible to even continue the post-surgical treatment to the patients.

3. Learned counsel for the Public Prosecutor

pointed out that notice was issued for preventing the recurrence of similar incidents.

4. The learned counsel for the petitioner submitted that her client has filed an affidavit ensuring that no treatment or surgery in contravention of the licence condition will be provided/conducted at his hospital.

In view of the undertaking, the Crl.M.C is disposed of by directing the 2nd respondent to lift the prohibition imposed as per Annexure 9 notice. The petitioner is permitted to conduct the hospital strictly in accordance with the provisions of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 and the conditions in the licences/ permissions obtained. In case of violation, the 2nd respondent can initiate appropriate action and this Court will also be prompted to initiate contempt proceedings.

Sd/-
V.G.ARUN
JUDGE

SPV

APPENDIX OF CRL.MC 4227/2025PETITIONER'S ANNEXURES

- ANNEXURE 1 THE TRUE COPY OF THE CORPORATION LICENSE ISSUED BY THIRUVANANTHAPURAM CORPORATION DATED 20/01/2025.
- ANNEXURE 2 THE TRUE COPY OF THE POLLUTION CONTROL BOARD LICENSE ISSUED BY KERALA STATE POLLUTION CONTROL BOARD DATED 16/11/2024.
- ANNEXURE 3 THE TRUE COPY OF THE DRUG CONTROLLER LICENSE ISSUED BY OFFICE OF THE ASSISTANT DRUG CONTROLLER DATED 16/12/2024.
- ANNEXURE 4 THE TRUE COPY OF THE BUILDING LICENSE FOR DOOR NO. 1112/3 ISSUED BY THIRUVANANTHAPURAM MUNICIPAL CORPORATION DATED 2/11/2024.
- ANNEXURE 5 THE TRUE COPY OF THE BUILDING LICENSE FOR DOOR NO. 1112/4 ISSUED BY THIRUVANANTHAPURAM MUNICIPAL CORPORATION DATED 2/11/2024.
- ANNEXURE 6 THE TRUE COPY OF THE CLINIC ESTABLISHMENT LICENSE ISSUED BY KERALA STATE COUNCIL FOR CLINICAL ESTABLISHMENTS DATED 5/05/2025.
- ANNEXURE 7 THE TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY DEPARTMENT OF FIRE AND RESCUE SERVICES GOVERNMENT OF KERALA DATED 05/12/2024.
- ANNEXURE 8 THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE INDIAN MEDICAL ASSOCIATES GOES-ECOFRIENDLY BEARING NO. IMAGE/ANC/121375/2024-2025 HAVING VALIDITY UPTO 31/03/2025.
- ANNEXURE 9 THE NOTICE DATED 04/04/2025 ISSUED BY THE 2ND RESPONDENT.
- ANNEXURE 10 THE TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT DATED 09/04/2025.
- ANNEXURE 11 THE TRUE COPY OF THE FIR IN CRIME NO. 353/2025 DATED 21/03/2025.

- ANNEXURE 12** **THE TRUE COPY OF HER MBBS REGISTRATION IN TRAVANCORE COCHIN COUNCIL FOR MODERN MEDICINE DATED 25/01/2010.**
- ANNEXURE 13** **THE CERTIFICATE ISSUED FROM KERALA UNIVERSITY OF HEALTH SCIENCES DATED 03/12/2018.**
- ANNEXURE 14** **THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE TRAVANCORE COCHIN MEDICAL COUNCIL DATED 29/09/2018.**

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE