

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

Tuesday, the 12th day of August 2025 / 21st Sravana, 1947

CRL.MC NO. 7170 OF 2025

CRIME NO.808/2025 OF THALAYOLAPARAMBU POLICE STATION, KOTTAYAM

PETITIONER/ACCUSED:

ABRID SHINE, AGED 49 YEARS,S/O VIJAYAN,

RESPONDENT(S)/STATE/COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
2. P S SHAMNAS, S/O SIDDIQUE, PROPRIETOR, INDIAN MOVIE MAKERS, DOOR NO 1/527, PALAMKADAVU ROAD, THALAYOLAPARAMBU P.O, VAIKOM, KOTTAYAM, PIN - 686141

This Criminal Misc. case coming on for orders, upon persuing the petition and upon hearing the arguments of M/S. S.RAJEEV, V.VINAY, M.S.ANEER, SARATH K.P., ANILKUMAR C.R., K.S.KIRAN KRISHNAN, DIPV V., AKASH CHERIAN THOMAS & AZAD SUNIL, Advocates for the petitioner and of PUBLIC PROSECUTOR for R1, the court passed the following:



V.G.ARUN, J

Crl.M.C. No.7170 of 2025

Dated this the 12th day of August, 2025

ORDER

Admit. Learned Public Prosecutor takes notice for the 1st respondent. Issue notice to the 2nd respondent through speed post.

Post on 11.09.2025.

Crl.M.A. No.1 of 2025

I find prima facie merit in the contention of the learned Counsel for the petitioner that in the light of Annexure IV report submitted by the Investigating Officer stating that the dispute is civil in nature and the complainant should resort to civil remedies, the learned Magistrate could not have forwarded the complaint for investigation under Section 175(3) of Cr.P.C., without

adverting to the report or conducting further enquiry.

Hence, there shall be an interim stay of further proceedings in Crime No.808 of 2025 of Thalayolaparambu Police Station, till 11.09.2025.

**Sd/-
V.G.ARUN
JUDGE**

SSK/12/08



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

Tuesday, the 12th day of August 2025 / 21st Sravana, 1947

CRL.M.APPL.NO.1/2025 IN CRL.MC NO. 7204 OF 2025

CRIME NO.808/2025 OF THALAYOLAPARAMBU POLICE STATION, KOTTAYAM

APPLICANT/PETITIONER/ACCUSED:

NIVIN PAULY, AGED 41 YEARS, S/O.LATE PAULY KALAPARAMBATHU,

RESPONDENTS/RESPONDENTS/DEFACTO COMPLAINANT:

1. STATE OF KERALA, STATION HOUSE OFFICER, THALAYOLAPARAMBU POLICE STATION, KOTTAYAM DISTRICT, KERALA, PIN - 686605
2. P.S. SHAMNAS, AGED 44 YEARS,S/O SIDHIQUE. P.A, PROPRIETOR, INDIAN MOVIE MAKERS, DOOR NO.1/527,PALAMKADAVU ROAD, THALAYOLAPARAMBU. P.O, VAIKOM THALUK, KOTTAYAM, PIN - 686605

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to stay all further proceedings in (Crime) No:808/2025 ofThalayolaparambu Police Station and on the file of Learned Judicial First Class Magistrate Court -1, Vaikom pending disposal of the aboveCriminal Miscellaneous case

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/S. T.SUKESH ROY & MEERA MENON, Advocates for the petitioner and PUBLIC PROSECUTOR for R1, the court passed the following:

V.G.ARUN, J

Crl.M.C. No.7204 of 2025

Dated this the 12th day of August, 2025

ORDER

Admit. Learned Public Prosecutor takes notice for the 1st respondent. Issue notice to the 2nd respondent through speed post.

Post on 11.09.2025.

Crl.M.A. No.1 of 2025

In view of Annexure A19 order of the Judicial First Class Magistrate Court-I, Vaikom in C.M.P. No.5631 of 2025 filed by the petitioner, finding the 2nd respondent to have consciously made a false averment in the affidavit filed along with C.M.P. No.4765 of 2025, resulting in the complaint being forwarded for investigation under 175(3) of Cr.P.C. and registration of the crime against the

petitioner, there appears to be prima facie merit in the challenge raised. Moreover, in spite of the Investigating Officer filing a report stating that the dispute is civil in nature, the learned Magistrate seems to have forwarded the complaint to the Police for investigation, without adverting to the report or conducting further enquiry.

In such circumstances, there shall be an interim stay of further proceedings in Crime No.808 of 2025 of Thalayolaparambu Police Station, till 11.09.2025.



**Sd/-
V.G.ARUN
JUDGE**