

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Wednesday, the 17th day of December 2025 / 26th Agrahayana, 1947
WP(PIL) NO. 152 OF 2025(R)

PETITIONER:

ADV. SUDHEER P.S., AGED 50 YEARS, S/O PRABHAKARAN,
VALIYAVEEDU, ARUMANOOR, POOVAR, THIRUPURAM, PUVAR,
THIRUVANANTHAPURAM, KERALA, PIN - 695 525.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. THE SECRETARY, LAW DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
4. THE REGISTRAR GENERAL, THE HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.
5. THE REGISTRAR (DISTRICT JUDICIARY), THE HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.
6. DISTRICT COLLECTOR, KOLLAM DISTRICT, DISTRICT COLLECTORATE, KOLLAM CIVIL STATION, KANKATHU MUKKU, KOLLAM, PIN - 691 013.

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to stay all further proceedings in respect of Ext. P3 until framing of administrative guidelines as per Ext. P2 judgment, pending disposal of the Writ Petition.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's order dated 11/12/2025 and upon hearing the arguments of M/S. S.K.ADHITHYAN, SHAHINA NOUSHAD, KRISHNA S. KARUNAKARAN & ANU CHANDRAKUMAR, Advocates for the petitioner, SRI.G.HARIKUMAR (GOPINATHAN NAIR), Advocate for R4 & R5, GOVERNMENT PLEADER and of SRI. P.DEEPAK (SENIOR ADVOCATE), Amicus Curiae, the court passed the following:

P.T.O.

NITIN JAMDAR, C.J. & SYAM KUMAR.V.M., J.

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W.P(PIL)No.152 of 2025

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Dated this the 17th day of December, 2025

ORDER

Heard Mr.S.K.Adhithyan, learned counsel for the Petitioner, Mr.Harikumar.G, learned counsel for Respondent Nos.4 & 5 and Mr.P.Deepak, learned Senior Advocate - Amicus Curiae.

2. The learned Amicus Curiae submits that the circular issued by the State on 3 December 2025 is not in consonance with the judgment of this Court and is merely a modified version of the earlier legal position. It is also submitted that no consultation, as contemplated under the Code of Criminal Procedure, 1973 (now the Bharatiya Nagarik Suraksha Sanhita, 2023), has been provided for.

3. The learned Amicus Curiae states that he will file a note, with a copy to the office of the Advocate General. Upon receipt of the note, the learned Government Pleader will take instructions.

4. We expect that the State will not bring the matter to a position where the Court is constrained to invoke its contempt jurisdiction.

5. Post on 8 January 2026.

Sd/-
NITIN JAMDAR
CHIEF JUSTICE

Sd/-
SYAM KUMAR.V.M
JUDGE

vgd/17.12.25