

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

Monday, the 14th day of July 2025 / 23rd Ashadha, 1947

CRL.M.APPL.NO.1/2025 IN CRL.MC NO. 6174 OF 2025

ST 2371/2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS, KATTAPPANA, IDUKKI
PETITIONERS/ACCUSED 1 TO 3:

1. M/S DIVYA PHARMACY, AGED 50 YEARS, DIVYA YOGA MANDIR TRUST PLOT NO. A1, INDUSTRIAL AREA, HARIDWAR, UTTARAKHAND REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE, MR. SHIVHARI JOSHI, SON OF MR. RAMHARI JOSHI, RESIDING AT PATANJALI FOOD HERBAL PARK, VILLAGE PADARTHA, LAKSAR ROAD, HARIDWAR UTTARAKHAND, PIN - 249404
2. ACHARYA BALKRISHNA, AGED 52 YEARS, SHRI JAY VALLABH R/O 41 KH, DADU BAGH KANKHAL, HARIDWAR – 249408, UTTARAKHAND, INDIA GENERAL SECRETARY, DIVYA YOGA MANDIR TRUST KRIPALU BHAGH, KANKHAL, HARIDWAR DISTRICT, UTTARAKHAND, PIN - 249404
3. SWAMI RAMDEV, AGED 59 YEARS, S/O SWAMI SHANKAR DEV, R/O 41 KH, DADU BAGH KANKHAL, HARIDWAR – 249408, UTTARAKHAND, INDIA PRESIDENT, DIVYA YOG MANDIR TRUST, KRIPALU BAGH, KANKHAL, HARIDWAR, UTTARAKHAND, PIN - 249404

RESPONDENTS:

1. THE DRUGS INSPECTOR, OFFICE OF THE DRUGS INSPECTOR, IDUKKI, KATTAPANA, PIN-685508
2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN-682031

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to stay all further proceedings in ST 2371 of 2024 on the files of Judicial First Class Magistrate Court, Kattappana, pending disposal of the above case in the interest of justice.

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/S. S.SHIV SHANKAR, B.ANANTHU, CYRIAC TOM, SREEJITH S. NAIR, Advocates for the petitioners and of PUBLIC PROSECUTOR for the respondents, the court passed the following:

V.G.ARUN, J.

Crl.M.C. No. 6174 of 2025

Dated this the 14th day of July, 2025

ORDER

The challenge in this Crl.M.C is against the complaint filed by the 1st respondent and cognizance of the offences taken by the jurisdictional Magistrate.

2. Learned Senior Counsel referred to the order of the Supreme Court in **Indian Medical Association v. Union of India** [2025 KHC 7325], with specific emphasis on direction No.(v), extracted below for easy reference;

“(v) As soon as complaints are received through the Grievance Redressal Mechanism or otherwise, the same shall be immediately forwarded to the concerned officers authorised under S.8(1) of the 1954 Act to take action under the said provision. If the officer finds that there is a contravention of the provisions of the 1954 Act, he shall, apart from taking action under S.8, forthwith set criminal law in motion by lodging a complaint with the jurisdictional police station so that an FIR can be registered and criminal law is set in motion.”

3. It is contended that in contradistinction to the procedure above, the Magistrate has taken cognizance on the complaint filed by the 1st respondent.

4. Having heard the learned Public Prosecutor also, I am of the opinion that the matter requires detailed consideration.

5. Learned Public Prosecutor to get instructions.

Post on 14.08.2025.

Crl.M.A.No. 1 of 2025

There shall be an interim stay of further proceedings in ST.No.2371 of 2024 on the files of the Judicial First Class Magistrate Court, Kattappana, till the next posting date.

Sd/-

V.G.ARUN, JUDGE

SPV