

Venugopalan vs State of Kerala

Venugopalan vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1339117

Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/1220/2022

Appellant : Venugopalan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH AGRAHAYANA, 1945
CRL.MC NO. 1220 OF 2022 CRIME NO.0068/2022 OF PATTAMBI POLICE
STATION, PALAKKAD PETITIONERS/ACCUSED:

1 VENUGOPALAN AGED 56 YEARS, SON OF GOPALAN NAIR,
KANJEERI HOUSE, PO KURUMBATHOOR, (VIA) THIRUNAVAYA,
MALAPPURAM DISTRICT -676 301, EXECUTIVE OFFICER,
MUTHUTHALA MAHAGANAPATHY TEMPLE, MUTHUTHALA
MALAPPURAM, PIN - 676301 2 ABIJITH AGED 28 YEARS, SON OF
BHASKARAN, PUSHPANJALIL, MUTHUTHALA, PALAKKAD

DISTRICT-679 303 3 RENJEEV AGED 47 YEARS, SON OF
RAMACHANDRAN, BABALAYAM, MUTHUTHALA, PALAKKAD
DISTRICT-679 303 4 MAHESH AGED 26 YEARS, SON OF
MOHANDAS, MANAKKALTHODI HOUSE, MUTHUTHALA, PALAKKAD-
679 303 5 HAREESH AGED 24 YEARS, SON OF MOHANDAS,
MANAKKALTHODI HOUSE, MUTHUTHALA, PALAKKAD-679 303 BY
ADV K.MOHANAKANNAN

RESPONDENTS/STATE & DEFACTO COMPLAINANTS: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HONOURABLE HIGH COURT OF
KERALA, ERNAKULAM -682 012 2 STATION HOUSE OFFICER PATTAMBI
POLICE STATION, PALAKKAD DISTRICT-679 303 BY ADV. SRI RENJITH TR,
PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- Crl.M.C. No.1220 of 2022 -----
Dated this the 30th day of November, 2023

ORDER

This Criminal Miscellaneous Case is filed with the following prayers; To quash
Annexure A1 FIR and all further proceedings in Crime No.68/2022 of Pattambi
Police Station and orders may be passed accordingly.

2. When this case came up for consideration originally, this Court was pleased to
stay the proceedings as per order dated 21.02.2022, which is extracted hereunder;
Admit. The learned Public Prosecutor takes notice for

the respondents. Crl.MA No.1/2022 The Crl.M.C. is filed challenging the
FIR in Crime No.68 of 2022 which was registered for the offences
punishable under Section 4(2)(e) and 4(2)(j) of the Kerala Epidemic
Diseases Act, 2021 and Section 3(b&e) of Kerala Epidemic Disease
Corona Virus Disease (COVID-19) Additional Regulations, 2020. The

allegation is regarding the violation of Covid-19 protocol during the festival in the temple and the petitioners are the executive officers and the committee members of the temple as well as the owners of the artificial bullock used for the festival. It is submitted by the learned counsel for the petitioners that the festival was on 11.02.2022 and as per Annexure A8, the Government granted relaxation in the covid protocol with regard to the festivals in temple. It is pointed out that, as per the relaxed

regulations, no offence is attracted. Considering the facts and circumstances of the case, I find a prima facie case in favour of the petitioners and accordingly, all further proceedings in Crime No.68 of 2022 of Pattambi Police Station, Palakkad are hereby stayed for a period of one month. The 2nd respondent is directed to file a report in the meanwhile.

3. Subsequently the order was modified by this Court as per order dated 13.10.2023, which is extracted hereunder;

I make it clear that the investigation in Crime No.68/2022, Pattambi Police Station can continue, but no coercive steps against the petitioners shall be taken. The investigating officer will submit progress of the investigation within one month. Issue a copy of this order to the Public Prosecutor who will communicate the same to the

investigating officer.

4. Today, when the matter came up for

consideration, the learned Public Prosecutor submitted that a final report is filed against the petitioners on 31.10.2023 before the Judicial First Class Magistrate Court, Pattambi and the case is numbered as ST No.2284/22.

5. In the light of the same, nothing survives in this case, because this Criminal Miscellaneous Case is filed to quash the FIR. If, the petitioner is aggrieved by the

final report, the petitioner is free to do the needful, in accordance with law.

With the above observation, this Criminal Miscellaneous Case is disposed of. Sd/-
P.V.KUNHIKRISHNAN nvj JUDGE APPENDIX OF CRL.MC 1220/2022
PETITIONER ANNEXURES ANNEXURE1 COPY OF THE FIR IN CRIME
NO.68/2022 OF PATTAMBI POLICE STATION DATED 11-2-2022 ANNEXURE2
COPY OF THE DECISION OF THE TEMPLE FESTIVAL COMMITTEE DATED
12-1-2022 ANNEXURE3 COPY OF THE COMMUNICATION DATED 29-1- 2022
SENT BY THE 1ST PETITIONER TO THE CIRCLE INSPECTOR OF POLICE
PATTAMBI ANNEXURE4 COPY OF THE NOTICE PUBLISHED BY THE
DEVASWOM ON 5-2-2022 ANNEXURE5 COPY OF THE NEWS ITEM
PUBLISHED IN MALAYALA MANORAMA DAILY DATED 1-2-2022 ANNEXURE6
COPY OF THE CIRCULAR ISSUED BY THE MALABAR DEVASWOM BOARD
DATED 9-11-2021 ANNEXURE7 COPY OF THE RELEVANT PAGES OF THE
STATUTE NAMELY THE EPIDEMIC DISEASES ACT ANNEXURE8 COPY OF
THE GO(RT)NO.138/2022/ DMD DATED 11-2-2022 RESPONDENTS EXHIBITS
:NIL //TRUE COPY// PA TO JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com