

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

Tuesday, the 3rd day of October 2023 / 11th Aswina, 1945

CRL.M.APPL.NO.1/2023 IN CRL.MC NO. 8070 OF 2023

C.C.No.521/2023 on the files of Judicial First Class Magistrate Court-VIII,
Ernakulam,

PETITIONERS/ACCUSED NOS 1-8:

1. LAKESHORE HOSPITAL AND RESEARCH CENTRE. LTD AGED 73 YEARS NO. XVI/612, MARADU, NETTOOR P.O., COCHIN REPRESENTED BY ITS MANAGING DIRECTOR, MR S K ABDULLA KUNHI, AGED 73, S/O SEEDI KUNHI HAJI, AARZI BASERA, PULIKUNNE, CERAMICS ROAD, KASARAGOD , PIN - 671121
2. DR PHILIP AUGUSTINE AGED 76 YEARS VARKEY AUGUSTINE SYMPHONY, AUTOMOBILE ROAD, PALARIVATTOM, COCHIN , PIN - 682025
3. DR S MAHESH AGED 47 YEARS S/O. K S SUBRAMANIA IYER H NO. CC 30/96 A, POONITHURA PO COCHIN , PIN - 682038
4. DR GEORGE JACOB EARLY AGED 58 YEARS S/O. E.V. JACOB, NO.1983/D, EARLY, VENNALA, COCHIN , PIN - 682028
5. DR SAI SUDARSAN AGED 59 YEARS P V A ARUNACHALAM, 204, EMERALD, LUMBINI ROCKDALE KHAIRATABAD, HYDERABAD , PIN - 500082
6. DR THOMAS THACHIL AGED 83 YEARS S/O. T.T. JOSEPH THACHIL HOUSE, C N 208, "DHANYA" CONVENT ROAD, ANGAMALY , PIN - 683572
7. DR MURALI KRISHNA MENON AGED 57 YEARS S/O. P. GOPINATHA MENON, SRINANDANAM, TMRA 44, PULPRA LANE, THRIPIUNITHURA, COCHIN , PIN - 682301
8. DR SUJITH VASUDEVAN AGED 71 YEARS S/O. DR N VASUDEVAN, CONSULTANT PHYSICIAN, OJUS CLINIC, T D ROAD, OPP.ST THERESA'S NEW HOSTEL COCHIN , PIN - 682035

RESPONDENT/STATE DEFACTO COMPLAINANT:

1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
2. DR.S.GANAPATHY AGED 73 YEARS S/O LATE ADV. K. SADANANDAN, ANJALI, MARUTHADI P.O., KOLLAM, PIN - 691003

Application praying that in the circumstances stated therein the High Court be pleased to stay all further proceedings against the petitioner/accused No.1-8 in C.C.No.521/2023 on the files of Judicial First Class Magistrate Court-VIII, Ernakulam till the disposal of the above Criminal Miscellaneous Case.

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/S.THOMAS J.ANAKKALLUNKAL, SRI.BENNY P.THOMAS, SC, BPCL, ANUPA ANNA JOSE KANDOTH, MITHA SUDHINDRAN, Advocates for the petitioners, and of PUBLIC PROSECUTOR for the 1st respondent, the court passed the following: p.t.o.

P.V.KUNHIKRISHNAN, J.

Crl.M.C. No.8070 of 2023

Dated this the 03rd day of October, 2023

O R D E R

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

Crl.M.A.No.1/2023

The learned Senior counsel appearing for the petitioners submitted that the police originally investigated the case and referred the matter stating that further action dropped. Subsequently, a private complaint was filed by the 2nd respondent and the learned Magistrate taken cognizance of the offence. It is submitted that the police report filed is now reopened and is pending investigation. In such situation, the private complaint can not continue in the light of Section 210 Cr.P.C.

I think there is some force in this argument. Therefore, all further proceedings against the petitioners in C.C.No.521/2023 pending before the Judicial First Class Magistrate Court-VIII, Ernakulam is stayed for a period of six months.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

DM

