

(2025) 11 KL CK 1854

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 8669 Of 2025

Saurabh Sunny

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 04-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 172

Citation : (2025) 11 KL CK 1854

Hon'ble Judges : C.Pratheep Kumar, J

Bench : Single Bench

Advocate : Aneesh K.R, Aiswarya.A, Joseph Ben, Anjana P., U.Jayakrishnan

Final Decision : Disposed Of

Judgement

C.Pratheep Kumar, J

1. The petitioner challenges Annexure-A3 notice dated 23.09.2025 issued by the Station House Officer, Harbour Police Station, Kochi under Section 172 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on the ground that, it was issued at the instance of the 2nd respondent only to harass him.

2. The learned Public Prosecutor, upon instructions, submitted that the Station House Officer has received a complaint from the 2nd respondent and it was as part of the enquiry in the said complaint, Annexure-A3 notice was issued to the petitioner.

3. The apprehension raised by the petitioner is that he is suffering from various ailments and he apprehends that he will be harassed by the Station House Officer, if he appears before him.

4. The learned counsel for the petitioner submitted that the petitioner is ready to appear before the Station House Officer, if he will not be harassed. He also submitted that a direction be issued to the Station House Officer to follow the procedure established by law when the petitioner appears before him.

4. Considering the facts, I hold that this Crl.M.C can be disposed of with a direction to the Station House Officer to follow the procedure established by law, in case the petitioner appears before him pursuant to Annexure-A3 notice.

In the result, this Crl.M.C is disposed of with a direction to the petitioner to appear before the Station House Officer, Harbour Police Station, Kochi, within a period of two weeks from today. The Station House Officer shall follow the procedure established by law, during interrogation.