

ITEM NO.33

COURT NO.13

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.3577/2025

[Arising out of impugned final judgment and order dated 14-02-2025 in CRLMC No. 315/2025 passed by the High Court of Kerala at Ernakulam]

ARJUN KRISHNA

Petitioner(s)

VERSUS

SUDHEESH & ANR.

Respondent(s)

FOR ADMISSION

IA No. 60037/2025 - EXEMPTION FROM FILING O.T.

Date : 21-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :Mr. Prabhu K.n, Adv.  
Mr. Sureshan P., AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. Heard learned counsel for the petitioner.
2. *Prima-facie*, on plain reading of the impugned order passed by the High Court it appears that what was argued before the High Court was as regards the defect in the affidavit filed in support of the complaint, which was referred for investigation under

**Section 156(3) Cr.P.C.**

**3. Today, when the matter was taken up for hearing the learned counsel started arguing the matter on merits.**

**4. He would submit that the First Information Report deserves to be quashed as the dispute is purely of civil nature and no offence worth the name is made out. We do not find any discussion in this regard in the impugned order passed by the High Court.**

**5. High Court seems to have only considered whether the order passed by the Court directing investigation under Section 156(3) of the Cr.P.C. should be interfered with or not on the ground of defect in the affidavit.**

**6. In such circumstances, we permit the petitioner to file a fresh petition seeking quashing of the First Information Report on merits.**

**7. We clarify that we have otherwise not expressed any opinion on the merits of the matter.**

**8. The petition stands disposed of accordingly.**

**9. Pending application(s), if any, stand disposed of.**

**(CHANDRESH)  
ASTT. REGISTRAR-cum-PS**

**(POOJA SHARMA)  
COURT MASTER (NSH)**