

ITEM NO.3

COURT NO.12

SECTION II-D

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(s) for Special Leave to Appeal (Crl.) No(s).3111/2026

[Arising out of impugned final judgment and order dated 11-02-2026 in BA No.563/2026 passed by the High Court of Kerala at Ernakulam]

ATHUL THOMAS

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

(IA No. 55345/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 55347/2026 - EXEMPTION FROM FILING O.T.)

Date : 02-04-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Sachin Patil, AOR
Mr. Risvi Muhammed, Adv.
Mr. Sarath K.P., Adv.

For Respondent(s) Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Mahabir Singh, Adv.
Mr. Muhammed Siddick, Adv.
Dr. Arunender Thakur, Adv.

O R D E R

Heard learned counsel for the parties.

2. At the outset, learned counsel for the petitioner submits that

one of the grievances raised in the present petition is that prior to registration of the subject FIR against the petitioner and co-accused persons, a police complaint was filed by one co-accused with respect to the same incident, that too, alleging outraging the modesty of a lady belonging to the SC/ST category, which was also supported by a medical report showing injury to the lady. However, the police have not even instituted any proceeding, much less an FIR, which is also indicated in the pleadings.

3. At this juncture, when a query was put to learned counsel for the respondent no.1-State of Kerala with regard to the allegations levelled, he prays for time to take instructions.

4. We are at a loss to understand, as to how, when a counter affidavit is being filed and the said issue has been raised at more than one places in the pleadings, there is no answer given in the counter affidavit on this issue.

5. This is the issue which has a larger implication as it relates to the faith of the general public in the police when they approach it with any complaint supported by some evidence to begin with and the police does not even bother to take the next obvious step of at least initiating/lodging a proceeding.

6. Thus, specific instructions be taken and the Court be informed accordingly by filing further counter affidavit. If it transpires that there has been dereliction of duty on the part of the prosecution/Authorities, the Court would take a strict view of the same.

7. List on 08.05.2026.

8. In the meantime, the interim protection granted to the petitioner earlier by this Court on 19.02.2026, to continue till the next date of listing.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR