

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Cr1.MC.No. 7444 of 2014 ()

SC 632/2014 of PRINCIPAL SESSIONS COURT, ALAPPUZHA
CRIME NO. 112/2014 OF MAVELIKKARA POLICE STATION

PETITIONER(S)/ACCUSED :-

BALAKRISHNAN, AGED 67 YEARS
S/O.SANYASI, SHIJU BHAVANAM, ARUNOOTTIMANGALAM
THAZHAKKARA VILLAGE

BY ADV. SRI.R.SUNIL KUMAR

RESPONDENT(S)/STATE/COMPLAINANT :-

1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
2. JYOTHIKSHMI (MINOR), AGED 9 YEARS
D/O.SINDHU, AGED 30 YEARS, REP BY HER MOTHER AND
NATURAL GUARDIAN W/O.MADHU, MANAPPURATHU VEETIL
CHERUKOLE MURI, CHENNITHALA.

ADDL.3.MADHU, AGED 42 YEARS, S/O.MADHAVAN,
MANAPPURATHU VEETIL, CHERUKOLE MURI, CHENNITHALA.

ADDL.3RD RESPONDENT IS IMPEADED AS PER ORDER IN CRL.M.A.
No.12117/2014 DATED 30.12.2014.

R2 BY ADV. SRI.BINNY.A.THOMAS
ADDL.R3 BY ADV. SMT.BINDU GEORGE
R1 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30-12-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

Crl.MC.No. 7444 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS :-

ANNEXURE-1 :- COPY OF THE FINAL REPORT.

ANNEXURE-2 :- AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

P.BHAVADASAN, J.

Crl.M.C. No.7444 of 2014

Dated this the 30th day of December 2014

O R D E R

This is a petition filed under Sec.482 of the Code of Criminal Procedure to quash all further proceedings in S.C.No.632 of 2014 pending before Principal Sessions Court, Alappuzha.

2. The petitioner stands accused in Crime No.112 of 2014 of Mavelikkara Police Station of having committed offences punishable under Secs.354, 354A, (1), A (iv) of IPC and Sec.23 of the Juvenile Justice Act and Secs.8, 9 and 12 of Protection of Children from Sexual Offences Act, 2012.

3. It is unnecessary to go into the details of the case for the simple reason that the father of the victim has filed an affidavit stating that no such incident has been happened and they do not intend to proceed with the matter.

4. A crime has been registered based on the statement given by his daughter. It is pointed out that the matter has been amicably settled with the petitioner and there is no grievance

against the petitioner.

5. Even though the offences are of serious nature but in the light of the stand taken by the parents and in the nature of the allegations against the petitioner, it is felt that continuance of proceedings would be a futile exercise.

Hence, this petition is allowed. All further proceedings against this petitioner in S.C.No.632 of 2014 pending before Principal Sessions Court, Alappuzha shall stand quashed.

**Sd/-
P.BHAVADASAN, JUDGE.**

Jvt