

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

CrI.MC.No.19 of 2015

**SC NO.783/2014 OF THE ADDITIONAL DISTRICT AND SESSIONS COURT-I,
KASARAGOD.
CRIME NO.552/2013 OF RAJAPURAM POLICE STATION,KASARGOD.**

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PETITIONER/ACCUSED:

**NAMSEED.P.S. @ NOUSHEED,AGED 26 YEARS
S/O.SIDDIQUE A.S.,RESIDING AT CHERUPANATHADY,
PANATHADY VILLAGE,VELLARIKUNDU TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENTS/STATE:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM--682 031,
REPRESENTING STATION HOUSE OFFICER,
CHANDERA POLICE STATION.**
- 2. SHEENA.T,AGED 29 YEARS,D/O.NARAYANAN,
ATTENGANAM,BELLUR VILLAGE
NOW RESIDING AT CHERUPANATHADY,
P.O.PANATHADY,PANATHADY VILLAGE,
VELLARIKUNDU TALUK,KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV.SRI.A.L.GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:TRUE COPY OF THE FIR IN CRIME NO.552 OF 2013 OF
RAJAPPURAM POLICE STATION.**

**ANNEXURE A2:TRUE COPY OF THE SUMMONS ISSUED TO THE PETITIONER IN
SC NO.783/2014 OF ADDITIONAL DISTRICT AND SESSIONS
COURT-I, KASARAGOD.**

**ANNEXURE A3:TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE
MARRIAGE OFFICER, RAJAPURAM.**

**ANNEXURE A4:TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND
RESPONDENT DTD.11.12.2014.**

**ANNEXURE A5:TRUE COPY OF THE FINAL REPORT IN CRIME NO.552/2014 OF
RAJAPURAM POLICE STATION.**

RESPONDENT'S ANNEXURES: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

B. KEMAL PASHA, J.

.....
Crl.M.C. No.19 of 2015
.....

Dated this the 9th day of March, 2015

ORDER

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Accused in Sessions Case No.783/2014 of the Additional Sessions Court-I, Kasaragod for the offence punishable under Section 376(2)(n) of the Indian Penal Code has come up under 482 Cr.P.C. for getting all the proceedings in the said Sessions Case, quashed.

2. The prosecution case is that during May 2011, the petitioner, who was a bus conductor, enticed the victim woman and they fell in love with each other. Thereafter, he promised that he would marry her. He had subjected her to sexual intercourse repeatedly on many occasions on different places, on such assurance. After that, he was retracted from his promise. A crime was registered as Crime No.552/2013 of Rajapuram Police Station on the complaint filed by the 2nd respondent. After evidence, Final

Report has been filed and the case has been committed and is presently pending as S.C.No.783/2014 as aforesaid.

3. According to the petitioner, the matter involved has been amicably settled and the petitioner has married the defacto complainant on 05.11.2014 and presently, they have been residing together as husband and wife, and are leading a peaceful married life.

4. The 2nd respondent had entered appearance and filed an affidavit affirming that their marriage was conducted on 05.11.2014 as per the Special Marriage Act. A copy of the marriage certificate has been produced.

5. Heard learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Public Prosecutor.

6. The investigating officer, on an enquiry, has reported that the petitioner has married the de facto complainant and presently, they have been residing together as husband and wife. The investigating officer has produced

a copy of the certificate of marriage under the Special Marriage Act, which clearly denotes that the marriage was conducted on 05.11.2014 itself. When the parties are residing together as husband and wife after a valid marriage, there is no meaning in proceeding with the matter further. Matters being so, it is just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this CrI.M.C. is allowed and all proceedings in S.C.783/2014 of the Additional Sessions Court-I, Kasaragod, which has arisen from Crime No.552/2013 of Rajapuram Police Station, are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/11/03

// True Copy //

PA to Judge