

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 232 of 2015

CRIME NO. 39/2014 OF KAVARATHI POLICE STATION, LAKSHADWEEP
.....

PETITIONER(S)/ACCUSED:

**AJMAL KHAN, AGED 24 YEARS,
MATHIL HOUSE, ADROTH ISLAND.**

BY ADV. SRI.K.B.GANGESH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY THE STANDING COUSEL,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. JASEENA BEEGUM, AGED 23 YEARS,
W/O.AJMAL KHAN, MATHIL HOUSE, ANDROTH ISLAND-682 551.**

**R1 BY SRI.S.RADHAKRISHNAN,SC
R2 BY ADV. SMT.ATHIRA A.MENON**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 232 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1. CERTIFIED COPY OF THE FIR IN CRIME NO.39/2014 OF KAVARATTI
POLICE STATION DATED 12/11/2014.**

**ANNEXURE-A2. CERTIFIED COPY OF MEMO ALTERING THE OFFENCES IN
ANNEXURE-A1 DATED 13/11/2014.**

**ANNEXURE-A3.TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER
AND 2ND RESPONDENT DATED 13/12/2014.**

**ANNEXURE-A4.TRUE COPY OF AFFIDAVIT DATED 19/12/2014 EXECUTED BY THE
2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.232 of 2015
.....

Dated this the 21st day of January, 2015

ORDER

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The accused in Crime No.39/2014 of Kavaratti Police Station which is presently pending investigation for the offences punishable under Sections 376 and 417 IPC have come up under Section 482 Cr.P.C. for getting the proceedings against him in the said crime quashed.

2. The crime was registered on the basis of a private complaint filed by the *defacto complainant* before the Judicial First Class Magistrate's Court, Androth, a Union Territory of Lakshadweep, which was forwarded to the police under Section 156(3) Cr.P.C. The allegation against the petitioner is that on a promise of marriage, he had sexual intercourse with the *defacto complainant* and thereafter, he had backed out from the promise and, therefore, the consent procured by him from the *defacto complainant* for

the sexual intercourse was fraudulent and, hence, there was no free consent at all.

3. After the registration of the crime, it has come out that on 13.12.2014 a contract of marriage was entered into between the petitioner and the *defacto complainant* and they have settled all the disputes between them. When the crime was registered on the assertion that she had consented to the sexual contact on the promise given by the petitioner that he would marry her and thereafter, he had backed out from the promise, when the petitioner has married the *defacto complainant*, there is no subsisting dispute between the parties.

4. The investigating officer has reported that the marriage was conducted and the parties are living together as husband and wife at present. The *defacto complainant* has filed an affidavit affirming that all the matters in dispute between her and the petitioner have been amicably settled and, therefore, she has no complaints against the petitioner and, therefore, all further proceedings in the matter referred

to above can be quashed. She has entered appearance through her counsel. The learned counsel for the defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition.

5. When all the disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioner, it is only 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 Annexure-A1 FIR in Crime No.39/2014 of Kavaratti Police Station as against the petitioner and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Androth are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/21/01

*// True Copy //*  
*PA to Judge*