

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Crl.MC.No. 556 of 2015

**CP 42/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVOOR
CRIME NO. 12/2014 OF CHATHANNOOR POLICE STATION, KOLLAM**

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PETITIONER(S)/ACCUSED:

**SYAM, AGED 25 YEARS,
SON OF RADHAKRISHNAN, RESIDING AT MANIYILAZHIKOM,
KUNDUMON CHERRY, VELICHIKKALA P.O., ADICHANALLOOR,
KOLLAM - 691 573, KERALA.**

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENT(S)/STATE/DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH THE CIRCLE INSPECTOR OF POLICE,
CHATHANNOOR CIRCLE, KOLLAM.**
- 2. RAJEEV, SON OF GOPINATHAN PILLAI, AGED 49 YEARS,
RESIDING AT VADAKKE VAZHAPPALLI VEEDU,
ASWATHY JUNCTION, ADICHANALLOOR CHERRY, ADICHANALLOOR,
KOLLAM TALUK, KOLLAM DISTRICT.**
- 3. ARCHANA P,
DAUGHTER OF RAJEEV
RESIDING AT VADAKKE VAZHAPPALLI VEEDU
ASWATHY JUNCTION, ADICHANALLOOR CHERRY, ADICHANALLOOR,
KOLLAM TALUK, KOLLAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 & R3 BY ADV. SRI.S.BIJU (KIZHAKKANELA)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 556 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: A TRUE PHOTOCOPY OF THE CHARGE SHEET IN CRIME NO.12 OF 2014 OF CHATHANNOOR POLICE STATION.

ANNEXURE A2: A TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 03/06/2014 ISSUED BY THE PARAVUR GRAMA PANCHAYAT.

ANNEXURE A3: AFFIDAVIT DATED 18TH DAY OF JANUARY 2015 SWORN BY THE SECOND RESPONDENT.

ANNEXURE A4: A TRUE PHOTOCOPY OF THE AFFIDAVIT DATED 18TH DAY OF JANUARY 2015 SWORN BY THE THIRD RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No.556 of 2015

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Dated this the 3rd day of February, 2015

O R D E R

The petitioner is the accused in Crime No.12/2014 of the Chathannoor Police Station, presently pending investigation, for the offence under Section 366(A) Indian Penal Code.

2. The allegation against the petitioner is that on 03.01.2014, he had enticed the 17 year old daughter of the de facto complainant and took her to various places and they resided together and he had subjected the girl to sexual intercourse.

3. According to the petitioner, he and the third respondent girl were in love with each other and they had decided to marry. The second respondent is the father of the girl, who is the de facto complainant. According to the petitioner, he has married the girl on 05.05.2014 and thereafter they have been residing together as husband and wife. It is on that ground, he has come up under Section

482 Cr.P.C to get Annexure-A1 final report in Crime No.12/2014 of the Chathannoor Police Station, which is presently pending as C.P.No.42/2014 of the Judicial First Class Magistrate's Court, Paravoor, Kollam District, quashed.

4. Respondents 2 and 3 have entered appearance. They have filed separate affidavits by stating that the marriage of the petitioner and the third respondent was conducted on 05.05.2014 at the S.N.D.P Sakha Mandiram, Paravoor Village and presently the petitioner and the third respondent are living together as husband and wife.

5. It seems that the matter has been amicably settled between the parties. The girl was married by the petitioner on 05.05.2014. The copy of the marriage certificate has been produced. The learned counsel for respondents 2 and 3 endorses the fact that the affidavits have been sworn in by the de facto complainant and the victim girl on their own volition. When the petitioner has married the girl and they

are residing together as husband and wife, I am of the view that it is just and proper in the interest of justice to quash Annexure-A1 final report in Crime No.12/2014 of the Chathannoor Police Station and all further proceedings in C.P.No.42/2014 of the Judicial First Class Magistrate's Court, Paravoor, Kollam District.

In the result, this Crl.M.C is allowed and Annexure-A1 final report in Crime No.12/2014 of the Chathannoor Police Station, and all further proceedings in C.P.No.42/2014 of the Judicial First Class Magistrate's Court, Paravoor, Kollam District based on it, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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