

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Crl.MC.No. 893 of 2015 ()

CRIME NO.1086/2014 OF THADIYITTAPARAMBU POL STATION

PETITIONER/ACCUSED:

MITHUN JOY, AGED 24 YEARS, S/O.JOY,
THEKKEKKARA HOUSE, KAINADAN MALA,
KEEZHMADU, ALUVA EAST VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

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1. DELNA VARGHESE, AGED 18 YEARS,
D/O.VARGHESE, VITHAYATHIL HOUSE,
THADIYITTAPARAMBU BHAGAM, VAZHAKKULAM VILLAGE,
ERNAKULAM DISTRICT - 683 542.
 2. LISSY VARGHESE, AGED 46 YEARS,
W/O.VARGHESE, VITHAYATHIL HOUSE,
THADIYITTAPARAMBU BHAGAM, VAZHAKKULAM VILLAGE,
ERNAKULAM DISTRICT - 683 542.
 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 831.

R1 & R2 BY ADV. SRI.N.K.SOMASEKHARAN PILLAI
R3 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 893 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: CERTIED COPY OF THE FIR DATED 22/11/2014 IN CRIME NO.1086/2014
OF THADYITTAPARRAMBU POLICE STATION**

**ANNEX A2: THE TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 12/1/2015
ISSUED TO THE 1ST RESPONDENT BY THE SECRETARY,
VAZHAKKULAM GRAMA PANCHAYATH**

ANNEX A3: AFFIDAVIT DATED 27/1/2014 SWORN BY THE 1ST RESPONDENT

ANNEX A4: AFFIDAVIT DATED 27/1/2014 SWORN BY THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

B.KEMAL PASHA, J.

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CRL. M.C. No.893 of 2015
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Dated this the 23rd day of March, 2015

ORDER

The accused in Crime No.1086/2014 of Thadiyittaparambu Police Station, has come up under Section 482 Cr.P.C. for getting Annexure-A1 FIR in the said crime and all further proceedings based on it before the Judicial First Class Magistrate's Court-I, Perumbavoor, quashed.

2. The crime was originally registered under Section 57 of the Kerala Police Act, 2011 as the 18 year old daughter of the defacto complainant was found missing on 22.11.2014. Finally, it has come out that she had eloped with the petitioner herein. It is alleged that he had enticed the girl on a promise of marriage and thereafter took her to

various places and outraged her modesty. Presently, final report has been filed before the Judicial First Class Magistrate's Court, Perumbavoor for the offence under Section 354 IPC.

3. According to the petitioner, he has married the said girl on 04.01.2015 and presently they are residing together as husband and wife. The defacto complainant as well as her daughter, who is the victim in the case, has also entered appearance and filed separate affidavits affirming that the matter has been amicably settled and the marriage between the petitioner and the victim girl was solemnized on 04.01.2015. Copy of the certificate of marriage was also produced.

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

5. The investigating officer has also produced the copy of the marriage certificate issued from the St. Mary's

Jacobite Syrian Church, Marampilly. It shows that the marriage was solemnized on 04.01.2015. Over and above it, a copy of the marriage certificate issued by the Government of Kerala is also produced by the petitioner. When the marriage has been solemnized and the parties are residing together as husband and wife, it is only just and proper in the interest of justice to quash the proceedings referred to above against the petitioner.

In the result, this Crl.M.C. is allowed and Annexure-A1 FIR in Crime No.1086/2014 of Thadiyittaparambu Police Station and all further proceedings pursuant thereto before the Judicial First Class Magistrate's Court-I, Perumbavoor, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge