

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.MC.No. 1122 of 2015

S.C.NO. 94/2008 OF PRINCIPAL SESSIONS COURT, THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :

ANILKUMAR @ SAJEER, AGED 36 YEARS,
S/O.SIVASANKARAN NAIR, KAVITHA NIVAS, KADAMAMKUNNU,
KOTTOOR, MANNORKKARA MURI, MANNORKKARA VILLAGE,
KALLIYYAL P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE, CW2 & CW3 :

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1. STATE OF KERALA,
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE,
KATTAKKADA CIRCLE, THIRUVANANTHAPURAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. SANOOJA, AGED 24 YEARS,
D/O.REJILA, RESIDING AT S.A.MANZIL, P.P.V/876,
POOVACHAL, NEAR ALUMUKKU, ANACODE MURI,
VEERANAKAVU VILLAGE, FROM SANOOJA MANZIL, NADUVACHAL,
MANNOORKKARA MURI, MANNOORKKARA VILLAGE,
THIRUVANANTHAPURAM.
 3. REJILA, AGED 44 YEARS,
D/O.SAINAM BEEVI, RESIDING AT S.A.MANZIL, P.P.V/876,
POOVACHAL, NEAR ALUMUKKU, ANACODE MURI,
VEERANAKAVU VILLAGE, FROM SANOOJA MANZIL, NADUVACHAL,
MANNOORKKARA MURI, MANNOORKKARA VILLAGE,
THIRUVANANTHAPURAM.

R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 & R3 BY ADV. SRI.A.K.RAJESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A:** CERTIFIED COPY OF THE FIR IN CRIME NO.369/2005 OF NEYYARDAM POLICE STATION.
- ANNEXURE-B:** CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.369/2005 OF NEYYARDAM POLICE STATION.
- ANNEXURE-C:** PHOTOCOPY OF THE KERALA GAZETTE PUBLISHED ON 26/08/2008.
- ANNEXURE-D:** PHOTOCOPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE KAPPUKADU MUSLIM JAMA-ATH, KOTTOOR, THIRUVANANTHAPURAM DATED 29/05/2008.
- ANNEXURE-E:** PHOTOCOPY OF THE BIRTH CERTIFICATE OF DAUGHTER OF PETITIONER AND 2ND RESPONDENT.
- ANNEXURE-F:** AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW2.
- ANNEXURE-G:** AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT/CW3.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. No.1122 of 2015
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Dated this the 13th day of March, 2015

ORDER

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The accused in S.C.94/2008 of the Sessions Court, Thiruvananthapuram for the offences punishable under Sections 363 and 376 IPC, which has arisen from Crime No.369/2005 of Neyyardam Police Station, has come up under Section 482 Cr.P.C. for getting all further proceedings against the petitioner in S.C.94/2008 based on Annexure-B final report in the crime, quashed.

2. The prosecution case is that the petitioner had enticed CW2 girl aged 14, who is the daughter of CW3, and took her away by his motorbike on 20.10.2005 at 2 a.m. to a place called Thattathumala in Pazhayakunnummel village and started residing with the girl in a house there as husband and wife. The girl became pregnant and, thereafter, they came back and started residing together at

the house of CW1. She gave birth to a child on 14.10.2006.

3. According to the petitioner, he, who was a Hindu, has converted to Islam and married the girl when she attained the age of 18 at the auspices of Kappukkad Muslim Jama-ath. The Kerala Gazette, by which he has changed his name, has also been produced.

4. The victim girl, who is CW2, is the 2nd respondent herein and her mother, who is CW3, is the 3rd respondent herein. They have filed separate affidavits affirming that the marriage of the petitioner and CW2 was conducted on 05.01.2007 and they have been residing together as husband and wife.

5. Heard learned counsel for the petitioner, learned counsel for respondents 2 and 3 and learned Public Prosecutor.

6. On hearing all the parties and on a perusal of the records mentioned above, I am of the view that there is no purpose in proceeding further in the matter as CW2 was

married by the petitioner on 05.01.2007 and as they are residing together as husband and wife. Matters being so, this is a fit case wherein Annexure-B final report in Crime No.369/2005 of Neyyardam Police Station and the consequent proceedings in S.C.94/2008 pending before the Sessions Court, Thiruvananthapuram, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-B final report in Crime No.369/2005 of Neyyardam Police Station and the consequent proceedings in S.C.94/2008 pending before the Sessions Court, Thiruvananthapuram are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/03

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PA to Judge