

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

CrI.MC.No.1125 of 2015

(CRIME NO.1634/2012 OF VIYYUR POLICE STATION,TRISSUR).

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PETITIONER/ACCUSED:

**SARATHKHAN,S/O.MOHANAN,AGED 30 YEARS,
KOLANGARAPARAMBIL HOUSE,
ENGINEERING COLLEGE P.O.,THRISSUR - 680 001.**

BY ADV. SRI.SUMODH MADHAVAN NAIR

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 31.**
- 2. KAVITHA,AGED 34 YEARS,W/O.VIJAYAMOHAN,
CHERUKAVIL HOUSE,THAZHAKKARA,
MAVELIKKARA,ALAPPUZHA DISTRICT-690101.**

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.1125 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.1634/2012 OF VIYYOOR POLICE STATION.**

**ANNEXURE A2: CERTIFIED COPY OF THE CHARGE SUBMITTED BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THRISSUR.**

**ANNEXURE A3: A TRUE COPY OF THE STATEMENT GIVEN BY THE 2ND
RESPONDENT DATED 23/06/2013.**

**ANNEXURE A3(a): A TRUE COPY OF THE STATEMENT GIVEN BY THE MOTHER OF
THE 2ND RESPONDENT TO THE C.I OF POLICE,
PERAMANGALAM DATED 23/06/2013.**

**ANNEXURE A4: A TRUE PHOTOCOPY OF THE ORDER IN CRL.M.C.NO.5264/2013
PASSED BY THIS HONOURABLE COURT DATED 21/11/2013.**

**ANNEXURE A5: A TRUE PHOTOCOPY OF THE THE FORM OF EXAMINATION AND
REPORT OF THE VICTIM OF RAPE GIVEN BY THE CONSULTANT,
DISTRICT HOSPITAL, THRISSUR DATED 31/12/2012.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

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Crl.M.C. No. 1125 of 2015

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Dated this the 24th day of February, 2015

ORDER

The accused in Crime No.1634/2012 of the Viyyoor Police Station, which is presently pending as S.C.No.184/2014 before the Principal Assistant Sessions Court, Thrissur, has come up under Section 482 Cr.P.C., for getting the proceedings against him, quashed, by stating that the matter has been amicably settled between him and the de facto complainant and presently the de facto complainant has no complaints against him.

2. The petitioner has produced a copy of the statement allegedly furnished by the de facto complainant woman before the Circle Inspector of Police, Peramangalam Police Station, to the effect that she had complained about the rape committed on her by a mistake of fact.

3. The allegations against the petitioner are very grave and serious. The offence alleged is one under Section 376 IPC. The

allegation against the petitioner is that on 19.10.2012 in between 2 p.m. and 5.15 p.m., he took the de facto complainant by his car to a lonely property where he took her nude photographs forcibly, after making her naked. Thereafter, by threatening her that he would circulate it through Internet, he committed rape on her. This is not a fit case wherein the proceedings can be quashed. Matters being so, this Crl.M.C. is only to be dismissed, and I do so.

4. The learned counsel for the petitioner has pointed out that the petitioner has to go abroad in connection with his employment during April this year. The court below shall try to dispose of the case, as expeditiously as possible by considering the said urgency.

It seems that the Circle Inspector of Police, Peramangalam has recorded such a statement of the victim. It is not clear whether it forms part of the final report in the matter. What provoked the Circle Inspector of Police to record such statement is not discernible at present from the records. The learned P.P shall obtain

a report from the said officer detailing the said circumstances, and produce it before this Court at the earliest.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge