

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

CrI.MC.No. 1307 of 2015 ()

**SC 185/2011 of PRINCIPAL SESSIONS COURT, PATHANAMTHITTA
CRIME NO. 130/2009 OF PERUNAD POLICE STATION, PATHANAMTHITTA**

PETITIONERS/ACCUSED & CW-2:

1. KUMAR @ SHAJI K.G. , AGED 27 YEARS,
S/O. GANESHAN, RESIDING AT CHARUVILA PUTHEN VEEDU,
VELIYAKALA MURI & ADICHANALLOOR VILLAGE &
KOLLAM DISTRICT (ACCUSED)
2. RINCY K.THOMAS, AGED 23 YEARS,
W/O. KUMAR @ SHAJI K.G., S/O. GANESHAN,
RESIDING AT CHARUVILA PUTHEN VEEDU
VELIYAKALA MURI & ADICHANALLOOR VILLAGE &
KOLLAM DISTRICT (CW-2).

BY ADV. SRI.V.SETHUNATH

RESPONDENTS/COMPLAINANT/DE-FACTO COMPLAINANT/STATE :

1. KUNJUNJAMMA THOMAS, AGED 55 YEARS,
W/O. THOMAS KURIAN, PANAVELIL HOUSE, KANNANNUMON,
PERUNAD VILLAGE & RANNI TALUK,
PATHANAMTHITTA DISTRICT (CW 1-DE-FACTO COMPLAINANTA).
2. THE CIRCLE INSPECTOR OF POLICE,
VADASSERIKKARA (PERUNAD POLICE STATION)
PATHANAMTHITTA DISTRICT.
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

**R1 BY SRI.V.R.MANORANJAN (MUVATTUPUZHA)
R2 & R3 BY PUBLIC PROSECUTOR SRI. JIBU P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE 1-** **THE TRUE COPY OF THE FINAL REPORT IN CRIME
NO. 130/2009 OF PERUNAD POLICE STATION, ON THE FILE OF
THE JFMC, NO.1, RANNI.**
- ANNEXURE 2-** **THE TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY
THE MARRIAGE OFFICER, CHATHANNOOR.**
- ANNEXURE 3-** **THE TRUE COPY OF THE BIRTH CERTIFICATE OF THE
DAUGHTER OF THE PETITIONERS.**
- ANNEXURE 4-** **TRUE COPY OF THE NOTARIZED AFFIDAVIT FILED BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS **:** **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

Crl.M.C.No.1307 of 2015

Dated this the 19th day of March 2015

ORDER

The petitioners are the accused and the *defacto complainant* in crime No.130/2009 of Perunad police station. The matter is presently pending as S.C. No.185/2011 before the Sessions Court, Pathanamthitta for the offences punishable under Sections 450 and 376 of the I.P.C. The first petitioner is the accused in the said case and the second petitioner is CW2. The parties have come up under Section 482 of Code of Criminal Procedure for getting Annexure-1, final report in the said crime and all further proceedings based on it in S.C. No.185/2011 of the Sessions Court, Pathanamthitta, quashed.

2. The prosecution case is that the first petitioner had enticed the second petitioner on a promise of marriage and he committed rape on her at 1 o'clock during the night of 29.4.2009, while the second petitioner was a minor.

3. According to the petitioners, the matter has been amicably settled between them and their marriage was conducted on 7.2.2011 and thereafter, they have been residing together as husband and wife. A copy of the certificate of the marriage is also produced. It seems that a daughter is also born in their wedlock.

4. The mother of the second petitioner is the *defacto complainant* herein. She has entered appearance and filed an affidavit affirming that the matter has been settled amicably and the petitioners are residing together and leading a peaceful married life as husband and wife. According to the *defacto complainant*, she has no complaints as against the first petitioner.

5. Heard the learned counsel for the petitioners, the learned

counsel for the *defacto complainant* and the learned Public Prosecutor.

6. It seems that the matter has been amicably settled and the petitioners had entered into a valid marriage and a certificate of marriage has been produced. In this context, no purpose will be served in proceeding with the matter further. Matters being so, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this Crl.M.C is allowed. Annexure -1, final report in crime No.130/2009 of Perunad police station and all further proceedings based on it in S.C. No.185/2011 of the Sessions Court, Pathanamthitta, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge