

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 1582 of 2015

**CP 4/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KURUPPUMPADY
CRIME NO. 1153/2011 OF KURUPPAMPADY POLICE STATION, ERNAKULAM**
.....

PETITIONER(S)/ACCUSED:

**SAJU A.A., AGED 44 YEARS,
S/O. ABRAHAM, ACHAYATH HOUSE, METHALA P.O.,
ASSAMANOOR, PERUMBAVOOR.**

BY ADV. SRI.V.C.SARATH

RESPONDENT(S)/DEFACTO COMPLAINANT/STATE:

- 1. MOLLY, AGED 38 YEARS,
W/O. SAJU ACHAYATH HOUSE, METHALA P.O., ASSAMANOOR,
PERUMBAVOOR.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**

R1 BY ADV. SRI.VIPIN NARAYAN

R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1153/2011 OF
KURUPPUMPADY POLICE STATION, ERNAKULAM DISTRICT.**

**ANNEXURE B: TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE
MARRIAGE OFFICER, KURUPPUMPADY PANCHAYATH.**

ANNEXURE C: THE AFFIDAVIT SWORN IN BY THE IST RESPONDENT.

**ANNEXURE D: TRUE COPY OF THE ORDER IN B.A.NO.9148/2012 OF THIS HON'BLE
COURT DATED 17.12.2012.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

Crl.M.C.No.1582 of 2015

Dated this the 31st day of March 2015

ORDER

The petitioner in C.P. No.4/2014 of Judicial First Class Magistrate's Court, Kuruppampady, which has arisen from Crime No.1153/2011 of Kuruppampady police station registered for the offence under section 376 of the I.P.C., has come up under Section 482 Cr.P.C. for getting Annexure -A final report in the crime and all consequent proceedings in C.P. No.4/2014 of Judicial First Class Magistrate's Court, Kuruppampady, quashed.

2. The prosecution case is that the petitioner had enticed the *defacto complainant*/first respondent herein, and subjected her to sexual intercourse on several occasions, by assuring that he would marry her. Later, the petitioner has backed out from his promise

and has not cared to marry her.

3. According to the petitioner, he has married the *defacto complainant* 5.11.2012 and presently, they are residing together as husband and wife. The *defacto complainant*, who is the first respondent herein, has entered appearance and filed an affidavit affirming that the matter has been settled between them and she has been married by the petitioner, and presently, they are residing together as wife and husband and that she has no complaints against the petitioner.

4. Heard the learned counsel for the petitioner, the learned counsel for the *defacto complainant*/ first respondent and the learned Public Prosecutor.

5. A copy of the marriage certificate has been produced, which shows that the marriage of the petitioner and the first respondent was conducted on 5.11.2012. When the marriage has been conducted and the parties are residing together as husband

and wife, it is only just and expedient in the interest of justice to quash Annexure -A final report in the crime and all consequent proceedings in C.P. No.4/2014 of Judicial First Class Magistrate's Court, Kuruppampady.

In the result, this Crl.M.C. is allowed. Annexure -A final report in the crime and all consequent proceedings in C.P. No.4/2014 of Judicial First Class Magistrate's Court, Kuruppampady, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge