

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

CrI.MC.No. 1601 of 2015 ()

**SC.NO. 970/2014 OF ASST. SESSIONS COURT, NEDUMANGAD
CRIME NO. 836/2011 OF PALODE POLICE STATION, THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED:

**PRINCE, S/O.SEBASTIAN, AGED 28 YEARS,
THEKKEVILA HOUSE, ANAD MURI,
PALODE VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & DEFACTO COMPLAINT:

- 1. STATE OF KERALA,
REPRESENTED BY THE DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM -682 031**
- 2. SUB INSPECTOR OF POLICE, PALODE POLICE STATION,
THIRUVANANTHAPURAM- 695 608**
- 3. JEROME,S/O.MICHAEL,
REETHA COTTAGE, PANANGODE,
PERINGAMALA VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM DISTRICT -695 609**
- 4. NEETHA,D/O. REETHA,
THEKKEVILA HOUSE, ANAD MURI,
PACHA P.O, PALODE VILLAGE,
VEDUMANAGAD, THIRUVANANTHAPURAM DISTRICT -695 562**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R3 & R4 BY ADV. SRI.R.ARUN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1601 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A1: TRUE COPY OF THE FIR IN CRIME NO.836 OF 2011 OF PALODE POLICE STATION

ANNEX A2: TRUE COPY OF THE FINAL REPORT IN ANNEXURE A1

ANNEX A3: COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT

ANNEX A4: COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT

ANNEX A5: COPY OF THE MARRIAGE CERTIFICATE DATED 18/1/2013.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

Crl.M.C.No.1601 of 2015

Dated this the 9th day of April 2015

ORDER

The accused in S.C.No.970/2014 pending before the Assistant Sessions Court, Nedumangad, which has arisen from Crime No.836/2011 of Palode Police Station, Thiruvananthapuram district registered for the offence under Section 363 I.P.C., has come up with this petition under section 482 Cr.P.C. for getting the proceedings in S.C. No.970/2014, which has arisen from Crime No.836/2011 of Palode Police Station, Thiruvananthapuram, quashed.

2. The prosecution case against the accused is that the 17 year old daughter of the *defacto complainant* was enticed and kidnapped by the petitioner from her lawful guardianship on

14.12.2011. Initially, a crime for man missing was registered and subsequently, the same was altered to one for the offence under Section 363 IPC.

3. According to the petitioner, he has married the victim, who is the 4th respondent herein, on 18.1.2013 and presently, they have been residing together as husband and wife. A copy of the certificate of marriage has been produced.

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

5. The Investigating Officer has also produced a copy of the marriage certificate and has filed a report stating that the petitioner has married the victim girl.

6. The *defacto complainant*, as well as the victim, have filed separate affidavits affirming that they have no complaints as against the petitioner and that the victim was married by the

petitioner. When the matter was amicably settled between the parties and the petitioner has married the victim, who is the 4th respondent herein on her attaining the age of majority, this court is of the view that it is just and expedient in the interest of justice to quash all the proceedings in S.C.No.970/2014 pending before the Assistant Sessions Court, Nedumangad, which has arisen from Crime No.836/2011 of Palode Police Station, Thiruvananthapuram.

In the result, this Crl.M.C. is allowed. S.C.No.970/2014 pending before the Assistant Sessions Court, Nedumangad, which has arisen from Crime No.836/2011 of Palode Police Station, Thiruvananthapuram, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

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