

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 1756 of 2015

**SC 734/2008 OF I ADDITIONAL SESSIONS COURT, THRISSUR DATED 30-09-2009
CMP 1260/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT
,CHAVAKKAD DATED 20-02-2015
CRIME NO. 215/2005 OF CHAVAKKAD POLICE STATION , THRISSUR**

PETITIONER(S)/7TH ACCUSED:

**FAISAL, AGED 38 YEARS
S/O.ABOOBACKER, RAYAM MARAKKAR VEETIL
ORUMANAYOOR P.O., CHAVAKKAD, THRISSUR.**

BY ADV. SMT.S.JASMINE

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
CHAVAKKAD POLICE STATION
THRISSUR DISTRICT -THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

*** ADDITIONAL R2 & R3 IMPEADED**

- 2. SABITHA,
AGED 28 YEARS, D/O.KRISHNAN,
KARYAT HOUSE, KURUVARAKUNDU DESOM,
ORUMANAYOOR VILLAGE, THRISSUR -680 512.**
- 3. SABEESH,
AGED 30 YEARS, S/O.KRISHNAN, KARYAT HOUSE,
KURUVARAKUNDU DESOM,
ORUMANAYOOR VILLAGE, THRISSUR -680 512.**

*** ADDITIONAL R2 & R3 ARE IMPEADED AS PER ORDER DATED 27/03/2015 IN
CRL.MA NO.2802/2015.**

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO. 215/2005 OF CHAVAKKAD POLICE STATION.**

**ANNEXURE B: TRUE COPY OF THE CHARGE SHEET IN CRIME NO. 215/2005 OF
CHAVAKKAD POLICE STATION.**

**ANNEXURE C: A TRUE COPY OF THE JUDGMENT DATED 30/09/2009 PASSED BY 1ST
ADDITIONAL ASSISTANT SESSIONS JUDGE IN CASE NO. 734/2008.**

ANNEXURE D: TRUE COPY OF JUDGMENT DATED 30/09/2014 IN SC 867/2009.

**ANNEXURE E: A TRUE COPY OF THE ORDER IN CMP 1260/2015 IN CP 8/2015 (CRIME
NO. 215/2005).**

ANNEXURE F: THE AFFIDAVIT OF THE CHARGE WITNESS NO.2.

ANNEXURE G: THE AFFIDAVIT OF THE CHARGE WITNESS NO.3.

RESPONDENT(S)' ANNEXURES : NIL

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

Crl.M.C.No.1756 of 2015

Dated this the 27th day of March, 2015

O R D E R

Petitioner was the 7th accused in crime No.215/2005 of Chavakkad Police Station registered for the offences under Sections 363 and 366 IPC and under Sections 4 & 5 of Child Marriage Restraint Act. As the petitioner was absconding the case against him was split up and the case against the other accused was proceeded with. The trial ended in their acquittal.

2. The allegation against the petitioner is that he facilitated commission of offences by the first accused. The prayer is to quash the proceedings in C.P.8/2015 on the file of the learned Judicial First Class Magistrate, Chavakkad, which is the case refiled against the petitioner. The ground is that the matter has been settled between the parties.

3. Heard.

4. The victim and the first accused are husband and wife now. They have two children. The only allegation

against the petitioner is that he facilitated the commission of the offences by the first accused. The second respondent has no objection to the proceedings being quashed. She had filed an affidavit. I am satisfied that no public interest is involved in this case.

In the result, Crl.M.C. is allowed. The proceedings in C.P.No.8/2015 on the file of the learned Judicial First Class Magistrate, Chavakkad are quashed. The passport of the petitioner shall be released to him.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/