

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 1846 of 2015 ()

**CRIME NO. 439/2011 OF MANGALAPURAM POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/ACCUSED :

**SANTHOSH V. P.,
S/O.VIJAYAN, IPA CHURCH HOUSE,
VALIYAKULAM CHEKAN VILLAGE, TRIVANDRUM.**

BY ADV. SRI.M.R.SARIN

RESPONDENTS/STATE/COMPLAINANT :

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RESHMA, D/O.ALEX P., AGED 20 YEARS,
ARUN BHAVAN, BOOTHANA COLONY,
THONNAKKAL P.O. THIRUVANANTHAPURAM 695 001**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.AJAYA KUMAR. G**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

ANNX.A1 : CERTIFIED COPY OF THE FIR NO.439/11 OF MANGALAPURAM POLICE STATION.

ANNX.A2 : CERTIFIED COPY OF THE FINAL REPORT IN SC NO.1485/13 PENDING BEFORE SESSIONS COURT, THIRUVANANTHAPURAM.

ANNX.A3 : AFFIDAVIT SIGNED BY THE 2ND RESPONDENT.

ANNX.A4 : THE TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY LOCAL REGISTRAR MANGALAPURAM GRAMA PANCHAYATH.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

Crl.M.C.No.1846 of 2015

Dated this the 1st day of April 2015

ORDER

The accused in S.C.No.1485/2013 of Sessions Court, Thiruvananthapuram, which has arisen from Crime No.439/2011 of Mangalapuram police station registered for the offence under section 366(A) of the I.P.C., has come up under Section 482 Cr.P.C. for getting Annexure -A1 F.I.R. and Annexure-A2 final report in the crime and all further proceedings based on it in the above Sessions Case, quashed.

2. The prosecution case is that the petitioner had enticed CW1, who was a minor girl aged 16 and took her away at 7.30 a.m. on 15.6.2011 by assuring that he would marry her. He took the girl to the house of one of his friends and then to different places and

ultimately to Andhra Pradesh, where the house of his sister is situated. They have resided together at those places.

3. According to the petitioner, he has married CW1 on 6.6.2013 and a child has been born in the wedlock. A copy of the certificate of marriage has been produced.

4. CW1, who is the second respondent herein, has entered appearance and filed an affidavit affirming that the matter has been settled between them and that she has been married by the petitioner and that she has no complaints against the petitioner. She has further affirmed that they are residing together as wife and husband and a child has been born in their wedlock.

4. Heard the learned counsel for the petitioner, the learned counsel for CW1 and the learned Public Prosecutor.

5. When the petitioner has married CW1 and the parties are residing together as husband and wife, there is no meaning in proceeding further in the matter and no fruitful purpose will be

served. Matters being so, this is a fit case wherein Annexure -A1 F.I.R. and Annexure-A2 final report in the crime and all further proceedings based on it in above Sessions Case, can be quashed.

In the result, this Crl.M.C. is allowed. Annexure -A1 F.I.R. and Annexure-A2 final report in crime No.439/2011 of Mangalapuram police station and all further proceedings based on it in S.C.No.1485/2013 of Sessions Court, Thiruvananthapuram, are quashed.

**sd/
B.KEMAL PASHA,
JUDGE**

dl

// True Copy //

PA to Judge