

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Crl.MC.No. 2339 of 2015 ()

**SC.NO. 60/2011 OF ASSISTANT SESSIONS COURT, THIRUVANANTHAPURAM
CRIME NO. 426/2009 OF KARAMANA POLICE STATION, THIRUVANANTHAPURAM**

PETITIONER/ACCUSED:

**SANTOSH KUMAR.S, AGED 31 YEARS,
S/O.SASIDHARAN NAIR,
RESIDING AT KALATHILPLAVILAVEEDU, THIRUVALLAM,
THIRUVALLAM P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.A.CHANDRA BABU

RESPONDENT(S)/STATE:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 31.**
- 2. REKHA.B, AGED 26 YEARS,W/O.SANTOSH KUMAR.S,
RESIDING AT KALATHILPLAVILA VEEDU, THIRUVALLAM,
THIRUVALLAM P.O.,THIRUVANANTHAPURAM.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.S.JUSTUS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX-I: CERTIFIED COPY OF THE FINAL REPORT IN S.C.NO.60/2011 ON THE FILES OF ASSISTANT SESSIONS COURT OF THIRUVANANTHAPURAM, DATED 8.9.2010

ANNEX-II: TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 15.7.2014 ISSUED BY THE MARRIAGE OFFICER, THIRUVALLAM.

ANNEX-III: AFFIDAVIT SWORN BY THE 2ND RESPONDENT BEFORE THE ADVOCATE.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

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K. ABRAHAM MATHEW, J.

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Dated this the 22nd day of May, 2015

ORDER

The petitioner is the wife of the victim. The former is alleged to have committed rape on the latter and threatened her. Now the case is pending before the Sessions Court as Sessions Court case No. 60 of 2011. It is submitted that the marriage between the petitioner and the second respondent has been solemnized and they are now living together as husband and wife. The prayer is to quash the proceedings in the criminal case.

2. Heard the learned counsel for the petitioner and second respondent and the learned Public Prosecutor.

3. Taking into consideration the fact that the petitioner has married the second respondent which is evidenced by Annexure – 2 I am inclined to grant the prayer of the petitioner to quash the proceedings in the criminal case.

In the result, this petition is allowed. The proceedings

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in Sessions case No. 60 of 2011 on the file of Assistant Sessions Judge, Thiruvananthapuram are quashed. Sessions Judge may dispose of the material objects, if any, produced in the case.

DST

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True Copy//

P.A. o Judge