

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 3057 of 2015

**CP 32/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR
CRIME NO. 2649/2014 OF MATHILAKOM POLICE STATION , TRISSUR**

PETITIONER(S)/ACCUSED:

**ABHINANTH, AGED 21 YEARS,
S/O. SHAJITHAN, PANANGATTU VEEDU,
PUTHUMANA PARAMBU DESOM, S.N. PURAM VILLAGE.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

**1. RINU, AGED 20 YEARS,
D/O. SURESHBABU, PERINJANAM DESOM,
KODUNGALLUR VILLAGE AND TALUK,
MUMBUVEETIL, THRISSUR.**

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.VIVEK.JOY.K
R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3057/2015

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APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A : TRUE COPY OF THE FINAL REPORT IN CRIME NO.2649/14 OF
MATHILAKAM POLICE STATION, THRISSUR DISTRICT NOW PENDING
AS CP.32/15 BEFORE THE COURT OF THE JUDICIAL MAGISTRATE OF
THE FIRST CLASS, KODUNGALLUR.**

**ANNEXURE B : AFFIDAVIT SWORN TO BY THE R1 SIGNIFYING THE FACTUM OF
SETTLEMENT OF DISPUTES WITH THE PETITIONER**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K.ABRAHAM MATHEW J.

Crl.M.C. NO.3057 OF 2015

Dated this the 22nd day of June, 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. The petitioner is the accused in C.P.No.32 of 2015 on the file of the Judicial Magistrate of the First Class, Kodungallur. The prosecution case is that he committed rape on the 1st respondent. It is submitted that the matter has been settled and the proceedings in the criminal case may be quashed.

3. Heard the learned counsel for the petitioner and for the 1st respondent and the learned Public Prosecutor.

4. When the incident happened the petitioner and the 1st respondent had attained majority. Both of them were students. The prosecution documents reveal that it was with the full consent of the 1st respondent the sexual intercourse took place. So it appears that no offence is made out against the petitioner. Moreover, the 1st respondent is now married. On this ground the proceedings can be quashed, but not on the ground that the matter has been settled.

In the result, this Crl.M.C is allowed. The proceedings in C.P.No.32 of 2015 on the file of the Judicial Magistrate of the First Class, Kodungallur are quashed.

K.ABRAHAM MATHEW

pm

JUDGE