

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

CrI.MC.No. 3567 of 2015

S.C.NO.1244/2013 OF PRINCIPAL SESSIONS COURT, THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :

**NIDHIN RAJ, AGED 27 YEARS,
S/O.THANKARAJ, KATTUVILAKOM VEEDU, MADHAVAPURAM,
VETTUKADU WARD, KADAKAMPALLY VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE, CW1 & CW2 :

- 1. STATE OF KERALA,
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,
PETTAH POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**
- 2. SURESH KUMAR, AGED 48 YEARS
S/O.APPUKUTTAN ASARI, T.C.79/968, SARASWATHI BHAVAN,
FRONT OF KARIKKAKOM TEMPLE, KARIKKAKOM WARD,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM, PIN:695 606.**
- 3. PARVATHI, AGED 20 YEARS,
D/O.ANITHA KUMARI, T.C.79/968, SARASWATHI BHAVAN,
FRONT OF KARIKKAKOM TEMPLE, KARIKKAKOM WARD,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM, PIN- 695 606.**

**R1 BY PUBLIC PROSECUTOR SMT.R.REMA
R2 & R3 BY ADV. SRI.R.GOPAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** FREE COPY OF THE FINAL REPORT IN CRIME NO.1007/2012 OF PETTAH POLICE STATION.
- ANNEXURE B:** PHOTOCOPY OF THE MARRIAGE CONDUCT CERTIFICATE DATED 01.11.2012 ISSUED FROM THE MUDUMPIL SREE DHARMA SASTHA TEMPLE TRUST.
- ANNEXURE C:** PHOTOCOPY OF THE BIRTH CERTIFICATE OF THE SON OF PETITIONER AND 3RD RESPONDENT.
- ANNEXURE D:** AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW2.
- ANNEXURE E:** AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT/CW3.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3567 of 2015

Dated this the 17th day of June 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. The petitioner is charged with having committed the offence under Sec.366A of Indian Penal Code in S.C. No.1244 of 2013 on the file of the Principal Sessions Judge, Thiruvananthapuram. It is submitted that the matter has been settled. The prayer is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioner, for the respondents 2 and 3 and the learned Public Prosecutor.

4. The facts of the case do not appear to attract Sec.366A of IPC. It is seen from Annexure B that the petitioner and the 3rd respondent are husband and wife now. They have a child also. Respondents 2 and 3 have filed affidavits to the effect that they have no objection to the proceedings in this case being quashed. This is a fit case to invoke the jurisdiction of this Court under Sec.482

Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in S.C. No.1244 of 2013 on the file of the Principal Sessions Judge, Thiruvananthapuram are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A. To Judge