

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.MC.No. 3634 of 2015 ()

**SC.NO. 452/2014 OF ADDL.DISTRICT & SESSIONS COURT, ERNAKULAM
SPECIAL COURT FOR TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL
VIOLENCE AGAINST WOMEN AND CHILDREN**

PETITIONER/ACCUSED :

**PIOUS JOSEPH
AGED 48 YEARS, S/O. LATE JOSEPH
HAVING PERMANENT RESIDENCE AT VADAKKEKUNNEL HOUSE
MADAKKATHANAM P.O., KAPPU KARA, MANJALLOOR VILLAGE
MUVATTUPUZHA TALUK, NOW RESIDING AT NELLORE HOUSE
VAZHAKULAM P.O., MUVATTUPUZHA, PIN - 686 670.**

**BY ADVS.SRI.THOMAS M.JACOB
SRI.T.R.JERRY SEBASTIAN**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. THE SUB INSPECTOR OF POLICE,
VAZHAKULAM POLICE STATION.**
- 3. SHEENA PIOUS, AGED 42 YEARS
W/O. PIOUS JOSEPH, RESIDING AT VADAKKEKKUNNEL HOUSE
MADAKKATHANAM P.O., KAPPU KARA, MANJALLOOR VILLAGE
MUVATTUPUZHA TALUK, PIN - 686 670.**
- 4. DIMPLE PIOUS, AGED 15 YEARS
D/O. PIOUS JOSEPH, RESIDING AT VADAKKEKKUNNEL HOUSE
MADAKKATHANAM P.O., KAPPU KARA, MANJALLOOR VILLAGE
MUVATTUPUZHA TALUK, MINOR (DATE OF BIRTH 16.9.1999)
REPRESENTED BY HE MOTHER AND NEXT FRIEND
SHEENA PIOUS, AGED 42 YEARS, W/O. PIOUS JOSEPH
RESIDING AT VADAKKEKKUNNEL HOUSE, MADAKKATHANAM P.O.
KAPPU KARA, MANJALLOOR VILLAGE, MUVATTUPUZHA TALUK
PIN - 686 670.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.
R3 & R4 BY ADV. SRI.P.M.MOHAMMED SHIRAZ**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1 : TRUE CERTIFIED COPY OF THE FINAL REPORT IN SC NO. 452/2004, BEFORE THE ADDITIONAL DISTRICT AND SESSIONS (SPECIAL COURT), ERNAKULAM.**
- ANNEXURE A2 COPY OF THE JUDGMENT DATED 20.3.2009 IN WP(CRL.) NO. 118 OF 2009.**
- ANNEXURE A3 COPY OF OP (DIVORCE) NO. 71/2009 FILED BEFORE THE HONOURABLE FAMILY COURT, THODUPUZHA.**
- ANNEXURE A4 COPY OF THE PLAINT IN OS NO. 1/2013 BEFORE THE HONOURABLE SUBORDINATE JUDGES COURT, THODUPUZHA.**
- ANNEXURE A5 COPY OF THE FIR IN CRIME NO. 2001/2013 OF THODUPUZHA POLICE STATION.**
- ANNEXURE A6 COPY OF THE AWARD IN LOK ADALATH IN OS NO.1/2013 OF THE HONOURABLE SUBORDINATE JUDGES COURT, THODUPUZHA.**
- ANNEXURE A7 COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT BEFORE A NOTARY.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3634 of 2015

Dated this the 25th day of June 2015

ORDER

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

2. Petitioner is the accused in S.C. No.452 of 2014 on the file of the Additional Sessions Court (Special Court for trial of cases relating to atrocities and sexual violence against women and children), Ernakulam. The allegation is that he has committed the offences under Secs.7, 8, 9(n) and 10 of the Protection of Children from Sexual Offences Act. The victim is his daughter. It is submitted that the matter has been settled. The request is to quash the proceedings in the criminal case.

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

4. The 3rd respondent who is the wife of the petitioner has filed an affidavit to the effect that the dispute has been settled and she has no objection to the proceedings in the criminal case being quashed. It

appears that there was a dispute between them which has resulted in the lodging of the complaint. The allegations are not very serious. I am satisfied that it is only in the interest of the family that the proceedings are quashed. No public interest is involved in this case. 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.452 of 2014 on the file of the Additional Sessions Court (Special Court for trial of cases relating to atrocities and sexual violence against women and children), Ernakulam are quashed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge