

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Crl.MC.No. 3485 of 2013 ()

CRIME NO. 528/2013 OF MATTANCHERRY POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED :

**LORRIS LAL, AGED 26 YEARS
S/O. LASER THOMAS, CC-VI/452, ELANJIKKAL HOUSE
JEEVAMATHA NAGAR, MATTANCHERRY.**

BY ADV. SRI.M.H.HANIS

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
MATTANCHERRY POLICE STATION
ERNAKULAM IN CRIME NO. 528/2013
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

***ADDL. R2 IMPEADED**

***ADDL.R2. SAVITHA THANKAPPAN
AGED 25 YEARS, D/O. THANKAPPAN
KARIKKAL HOUSE, VADAGERRI
KOTTAPADY, KOTHAMANGALAM
PIN – 686 691.**

***IS IMPEADED AS ADDITIONAL SECOND RESPONDENT AS PER ORDER
DATED 10TH SEPTEMBER, 2013 IN CRL.M.A. NO. 6727/2013 IN CRL.M.C
NO. 3485/2013.**

**R1 BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH
ADDL R2 BY ADV. SRI.K.R.VINOD**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 3485 of 2013 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A- CERTIFIED COPY OF FIR IN CRIME NO. 528/2013 OF
MATTANCHERY POLICE STATION.**

**ANNEXURE B- CERTIFIED COPY OF THE AFFIDAVIT FILED BY THE DE FACTO
COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, KOCHI.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

Crl.M.C.No.3485 of 2013

Dated this the 9th day of January, 2015

ORDER

The petitioner who is the accused in crime No.528/2013 of the Mattanchery police station wants to quash the proceedings in it. The allegation against him is that he obtained the consent of the additional second respondent by making a false representation that he would marry her and he had sexual intercourse with her and he has now refused to marry her and has thus committed the offence under Section 376 IPC.

2. There has been no representation for the petitioner. Heard the learned counsel for the additional second respondent and the learned Public Prosecutor.

3. The prayer is to quash the FIR. It is submitted that final report has already been filed.

4. The proceedings are sought to be quashed on different grounds. The first is that no offence is made out. Though the trial court has already framed the charge it is

not challenged in this proceedings.

5. It is stated in the petition that the matter has been settled between the parties. This is opposed by the second respondent, who is the victim in the case. More over, the offence is non-compoundable. The court cannot take notice of the agreement between the parties.

6. Thus, in any view of the matter, this is not a fit case to favour the petitioner with an order under Section 482 Cr.P.C.

In the result, this Crl.M.C. is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/