

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 4397 of 2014 ()

CRIME NO. 650/2014 OF NILAMBUR POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED NO.1:

**SUNEESH, AGED 23 YEARS, S/O. KRISHNANKUTTY,
VATTAPOYIL VEEDU, KADAVUR AMSOM,
CHAMEL DESOM, THAMARASSERY TALUK,
KOZHIZKODE DISTRICT-673 573.**

**BY ADVS. SRI.K.J. MOHAMMED ANZAR
SRI.T.B. GAFOOR**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

- 1. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
NILAMBUR POLICE STATION, NILAMBUR,
MALAPPURAM DISTRICT-679 329.**
- 3. MANEESHA, AGED 17 YEARS, (MINOR) D/O. GEETHA,
THADATHILPARAMBU, THRIKKALANGODU,
EERNADU TALUK, MALAPPURAM DISTRICT-676 127.
REP. BY HER MOTHER GEETHA, AGED 40 YEARS,
D/O. KALAYANI KUTTY AMMA, -DO- DO-**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R3 BY ADV. SRI. A. D. SURESH BABU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4397 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX-A1. TRUE COPY OF THE FIR IN CRIME NO.650/2014 OF NILAMBUR POLICE STATION DATED 27/6/2014.**
- ANNEX-A2. TRUE COPY OF THE STATEMENT OF THE ALLEGED VICTIM MANEESHA , RECORDED BY POLICE DATED 27/6/2014.**
- ANNEX-A3. ORIGINAL NOTARIZED AFFIDAVIT DATED 2//8/2014 OF THE 3RD RESPONDENT**
- ANNEX-A4. ORIGINAL NOTARIZED AFFIDAVIT DATED 2//8/2014 OF THE PETITIONER/1ST ACCUSED**
- ANNEX-A5. ORIGINAL MARRIAGE CERTIFICATE NO.357/2015 ISSUED BY OFFICE OF THE REGISTRAR OF KATTIPPARA GRAMA PANCHAYATH DATED 17/1/2015.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B.KEMAL PASHA, J.

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Crl.M.C. No.4397 of 2014

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Dated this the 2nd day of February, 2015

O R D E R

The petitioner is the accused in Crime No.650/2014 of the Nilambur Police Station, Malappuram District, registered for the offences punishable under Sections 376 IPC, Section 4 of the Protection of Children from Sexual Offences Act and Section 119(1)(b) of the Kerala Police Act.

2. It is alleged that the petitioner had enticed a 17 year old girl by promising her to marry her and he took away on 27.6.2014 and subjected her to sexual intercourse. The petitioner has come up under Section 482 Cr.P.C. to get Annexure-A1 FIR in the said crime and all further proceedings on it, quashed. According to the petitioner, he and the girl was in love with each other and they had decided to marry. The marriage could not be conducted as the girl would attain age of majority only on 02.12.2014. According to the petitioner, he has married the girl on 28.12.2014 and they are living as husband and wife. The

matter has been amicably settled between the parties and therefore the prosecution is liable to be quashed.

3. The de facto complainant girl is the third respondent herein. The mother of the third respondent has filed an affidavit stating that she had agreed to give her daughter who is the third respondent in marriage to the petitioner on girl's attaining her age of majority. Similar affidavit has been sworn in by the petitioner also.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner has produced the original marriage certificate of the petitioner and the said girl who is the third respondent which shows that her marriage was conducted on 28.12.2014. When the petitioner and the third respondent are residing together as husband and wife and are leading a peaceful marriage life, it is just and proper in the interest of justice to quash Annexure-A1 FIR in Crime No.650/2014 of the Nilambur Police Station and all further proceedings based on it.

In the result, this Crl.M.C is allowed and Annexure-A1
FIR in Crime No.650/2014 of the Nilambur Police Station
and all further proceedings based on it are hereby quashed.

B.KEMAL PASHA, JUDGE

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