

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5687 of 2015 ()

**CP. NO.10/2015 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
ERNAKULAM.**

CRIME NO. 2055/2014 OF ERNAKULAM TOWN NORTH POLICE STATION.

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PETITIONERS/DEFACTO COMPLAINANT & ACCUSED:

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- 1. JOSMI JOSE, AGED 18 YEARS,
D/O. P. JOSE, ARIYATHUVILAKAM, ANGADY,
CHANGANACHERRY P.O., KOTTAYAM DISTRICT.**
 - 2. AJAS, AGED 29 YEARS, S/O. ISMAYIL,
OTTAPLACKIL HOUSE, MUTHAPPALLY DESOM,
ERUMELI VILLAGE, KOTTAYAM DISTRICT.**

BY ADV. SRI.RAJIT.

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.V.H. JASMINE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A** **COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE MARRIAGE OFFICER UNDER SEC. 13 OF THE SPECIAL MARRIAGE ACT.**
- ANNEXURE B** **COPY OF THE FIR REGISTERED BY THE ERNAKULAM TOWN NORTH POLICE ALONG WITH THE FI STATEMENT OF THE 1ST PETITIONER.**
- ANNEXURE C** **COPY OF THE FINAL REPORT FILED BY THE ERNAKULAM TOWN NORTH POLICE IN CRIME NO.2055/2014.**

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

P.UBAID, J.

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Crl.M.C.No.5687 of 2015

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Dated this the 20th day of August, 2015

ORDER

The petitioners herein are the defacto complainant, and the accused in C.P.No.10 of 2015 before the Additional Chief Judicial Magistrate Court, Ernakulam, involving the offences under Sections 417, 376, 323, 294(b) and 506(1) of the Indian Penal Code. The petitioners jointly seek orders quashing the said prosecution on the ground of amicable settlement, and on the ground that the defacto complainant happened to make such a complaint on some misapprehension. The petitioners appeared in Court, as part of the enquiry. On interacting with them, I find that the complainant girl happened to make such a complaint against the second petitioner due to some misapprehension. They told me that they had been in love, and a notice was also given for marriage under the Special Marriage Act. When the husband could not turn up in time for the registration, the girl thought that she was being abandoned. In such a situation, she happened to make a complaint. Annexure-A is copy

of the marriage certificate proving their marriage under the Special Marriage Act. Both the petitioners submitted before me, that they are now happily living as husband and wife, and there is no problem in their matrimony. They want to have the prosecution quashed. It is definite in the above situation, that if the prosecution continues, it will cause harassment to them, and it may even defile their present happy matrimony. It is appropriate that the proceeding be quashed.

In the result, this petition is allowed. The prosecution against the second petitioner in C.P.No.10 of 2015 to the Court below will stand quashed under Section 482 Cr.P.C.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE