

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Crl.MC.No. 4725 of 2014 ()

CRIME NO. 433/2014 OF ERUMAPETTY POLICE STATION , THRISSUR DISTRICT

PETITIONER/ACCUSED:

**MUHAMMED SHAHEER A.K, AGED 25 YEARS,
S/O.ABOOBACKER, ARAKKAKATTIL HOUSE,
CHATHANNUR VILLAGE, CHATHANNUR P.O.,
PALAKKAD DISTRICT-679 537.**

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ERUMAPETTY POLICE STATION, THRISSUR DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. BEEVATHU, AGED 44 YEARS,W/O.LATE MUHAMMEDALI,
KURUNCHAMAYIL HOUSE, THALI P.O.,
THRISSUR VILLAGE, THRISSUR DISTRICT-680 585.**
- 3. ASHARAF P., AGED 40 YEARS,
S/O.MOIDUNNI, PALLIKARAVALLAPPIL HOUSE,
CHATHANNUR VILLAGE, CHATHANNUR P.O.,
PALAKKAD DISTRICT-679 537.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 & R3 BY ADV. SRI.T.PRASAD**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 4725 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX-A1. THE TRUE COPY OF THE S.S.L.C BOOK OF THE VICTIM.**
- ANNEX-AII. THE TRUE COPY OF THE STATEMENT DATED 7/5/2014 GIVEN BY THE VICTIM.**
- ANNEX-AIII. THE TRUE COPY OF THE FIR CRIME NO.433/14 OF ERUMAPETTY POLICE**
- ANNEX-AIV. THE TRUE COPY OF THE LETTER DATED 10/8/2014 BY THE MAHAL COMMITTEE.**
- ANNEX-AV. THE TRUE COPY OF THE AFFIDAVIT DATED 17/8/2014 EXECUTED BY THE 2ND RESPONDENT**
- ANNEX-AVI. THE TRUE COPY OF THE AFFIDAVIT DATED 17/8/2014 EXECUTED BY THE 3RD RESPONDENT**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B.KEMAL PASHA, J.

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Crl.M.C. No.4725 of 2014

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Dated this the 15th day of January, 2015

ORDER

Petitioner is accused in Crime No.433/2014 of the Erumapetty Police Station, presently pending investigation for the offences under Section 376(2) IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. The victim girl, aged above 17 years, had willingly eloped with the petitioner. They went into a form of marriage even though, it was not a valid marriage. Thereafter, they resided together for four months. After that, they returned to the native place. Thereafter, the aforesaid offences are levelled against the petitioner. The petitioner had undertaken that on the girl's attaining her age of majority, their marriage

would be conducted. Consequently, the marriage was conducted on 07.12.2014.

3. Heard learned counsel for the petitioner, learned counsel for the victim girl and the learned Public Prosecutor.

4. The investigating officer has filed a detailed report. In the report, it has been stated that the marriage of the petitioner and the victim girl was conducted on 07.12.2014 and they are presently residing as husband and wife. The certificate from the concerned Jama-ath and also the copy of the marriage certificate have been produced.

5. Considering the facts and circumstances of the case, and the fact that the victim girl was married by the petitioner and presently they are residing as wife and husband, I am of the view that further proceedings in the matter would amount to adding insult to injury. Matters being so, all further proceedings on the basis of Annexure A3 First Information Report in Crime No.433 of 2014 of the Erumapetty Police Station, can be quashed in the interest of

justice.

In the result, this Crl.M.C. is allowed and Annexure A3 First Information Report and all further proceedings based on the same in Crime No.433 of 2014 of the Erumapetty Police Station are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/16/1/15

// True Copy //

P.A. To Judge