

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Crl.MC.No. 4923 of 2014 ()

**CRIME NO. 971/2014 OF KATTAKADA POLICE STATION, THIRUVANANTHAPURAM
DISTRICT**

PETITIONER/ACCUSED:

**AMJADKHAN, AGED 24 YEARS
S/O. PEER MOHAMMED, JASMINE MANZIL
KONNIYOOR, PUNALAL P.O.**

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. JASMINE, D/O.RAMLA, RAMLA MANZIL
KUZHIVILA PUTHEN VEEDU
NEAR PARUTHIPPALLY SCHOOL, KUTTICAL
MANNOORKKARA VILLAGE, THIRUVANANTHAPURAM
MINOR REPRESENTED BY HER MOTHER AND
NATURAL GUARDIAN, RAMLA, RESIDING AT
RAMLA MANZIL, KUZHIVILA PUTHEN VEEDU
NEAR PARUTHIPPALLY SCHOOL, KUTTICAL
MANNOORKKARA VILLAGE, THIRUVANANTHAPURAM.**

**R2 BY ADV. SRI.K.RAJESH KANNAN
R1 BY PUBLIC PROSECUTOR SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF THE F.I.R IN CRIME NO.971 OF 2014 OF
KATTAKKADA POLICE STATION, DATED 5.8.2014**

**ANNEXURE-A2: TRUE COPY OF THE CERTIFICATE ISSUED FROM KALLIKAD JAMA-
ATH DATED 21.6.2014**

**ANNEXURE-A3: AFFIDAVIT SWORN TO BY THE SECOND RESPONDENT BEFORE THE
NOTARY PUBLIC, DATED 25.8.2014**

**ANNEXURE-A4: AFFIDAVIT SWORN TO BY THE MOTHER OF THE SECOND
RESPONDENT BEFORE THE NOTARY PUBLIC, DATED 20.8.2014**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

CrI.M.C.No.4923 of 2014

Dated this the 25th day of November, 2015

O R D E R

The petitioner seeks orders quashing the FIR and further proceedings in Crime No.971/2014 of the Kattakkada Police Station, registered under Section 376 IPC read with Section 3(a) of the Protection of Children from Sexual Offences Act, 2012. The victim of offence is only 17 years old. The petitioner seeks orders on the ground of amicable settlement of the whole dispute. This crime happened to be registered on the allegation that consent for sexual intercourse was vitiated by a false promise. It appears that the victim brought the complaint when the petitioner retracted from his promise to marry her. Now, the whole dispute stands resolved forever, and in terms of the settlement arrived at, the petitioner has also married the victim of offence. The victim was married by the petitioner on 20.10.2015 in accordance with the customary ceremonies, and such marriage stands registered under the Kerala Registration of Marriages (Common) Rules, 2008. The victim and also her mother filed affidavit to the effect that the whole dispute stands resolved forever, that the victim is now the wife of the petitioner, and that the victim has no

grievance or complaint now.

2. In so many decisions, the Honourable Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution, if the parties have really settled the dispute, and continuance of the prosecution will not serve any purpose. In the present circumstance where the victim is married by the petitioner, continuance of the prosecution may even defile their present happy matrimony. It is appropriate that the prosecution be quashed.

In the result, the FIR and further proceedings against the petitioner in Crime No.971/2014 of the Kattakkada Police Station will stand quashed under Section 482 Cr.P.C.

Sd/-
P. UBAID, JUDGE

sd

// True Copy //

P.A. To Judge