

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

CrI.MC.No. 6378 of 2015 ()

CRIME NO. 954/2015 OF TANUR POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/DEFACTO COMPLAINANT :

**MOHAMMED MAHAROOF, AGED 18 YEARS,
S/O.MOHIYUDHEEN SHAREEF.P, PANANGADANTAKATH HOUSE,
K.PURAM(P.O), PIN-676 307, TANUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENT(S)/DEFACTO COMPLAINANTS :

- 1. ASHRAF, S/O.MUHAMMED ALI,
MAMACHINTE PURAKKAL HOUSE,
TANUR(P.O), MALAPPURAM DISTRICT-676 302**
- 2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682 031**

R1 BY ADV. SRI.J.VIVEK GEORGE

R2 BY PUBLIC PROSECUTOR SMT. LILLY LESSLIE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

CRL.M.C.NO.6378/2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX 1 COPY OF THE FIR IN CRIME NO.954/2015 DATED 16/09/2015 BEFORE
THE TANUR POLICE STATION, MALAPPURAM DISTRICT.**

**ANNEX 2 COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED
22/09/2015.**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.6378 of 2015
.....

Dated this the 28th day of September, 2015

ORDER

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Petitioner is the de facto complainant in Crime No.954/2015 of Tanur Police Station registered for the offences punishable under Sections 377 and 506(i) IPC. The allegation against the accused is that he had induced alcoholic liquor to the petitioner by making him to believe that it was '*Pepsi Cola*' and thereafter, he subjected the de facto complainant to carnal intercourse against the order of nature. It is also alleged that when the de facto complainant resisted, the accused intimidated him.

2. Now, the de facto complainant has come up to get the crime quashed mainly on the ground that he was only scolded by the accused in public and thereby, he became humiliated and, therefore, he had filed such a complaint. Further, according to him, the continuance of the

case would damage his reputation as well as that of the accused.

3. This is not a matter which can be entertained by this Court at present. The allegation against the accused are very grave and serious. The matter has to be investigated. In case the petitioner has any such case that the complaint is false, it is for him to apprise the investigating officer, the true state of affairs.

CrI.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/09

// True Copy //

PA to Judge