

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6412 of 2015 ()

CRIME NO. 1947/2014 OF CHATHANNOOR POLICE STATION , KOLLAM

PETITIONER/ACCUSED:

**THUJESH T.K, AGED 26 YEARS,
S/O.THULASEEDARAN, T.K.MANDIRAM, CHATHANNOOR THAZHAM,
CHATHANNOOR.P.O., KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENTS/STATE:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.682 031.**
- 2. ARCHANA, AGED 18 YEARS,
D/O.SAROJAM, SANTHARAKUNNU PUTHEN VEEDU, KOIPPADU,
MEENADU VILLAGE, CHATHANNOOR.P.O.,
KOLLAM DISTRICT.691 301.**
- 3. SAROJAM, AGED 39 YEARS,
D/O.RAMAKRISHNAPILLAI, SANTHARAKUNNU PUTHEN VEEDU,
KOIPPADU, MEENADU VILLAGE, CHATHANNOOR.P.O.,
KOLLAM DISTRICT.691 301.**

R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6412 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE I- CERTIFIED COPY OF FIR IN CRIME NO.1947/2014 OF CHATHANNOOR
POLICE STATION.**

ANNEXURE II- A TRUE COPY OF MARRIAGE CERTIFICATE DATED 29.6.2015.

ANNEXURE III- AFFIDAVIT DATED 26.09.2015 SWORN BY THE 2ND RESPONDENT.

ANNEXURE IV- AFFIDAVIT DATED 26.9.2015 SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

Crl.M.C. No. 6412 of 2015

Dated this the 29th day of September, 2015

ORDER

The petitioner seeks orders quashing the F.I.R. and further proceedings in Crime No.1947/2014 of Chathannoor Police Station, involving the offences under Sections 366 and 376 of Indian Penal Code, and also under the provisions of the Protection of Children from Sexual Offences (POCSO) Act. The victim of offence is now the wife of the petitioner. Initially the F.I.R in this case was registered under Section 57 of Kerala Police Act when the victim's mother reported and complained of the fact of missing of her daughter. Later the girl was taken into custody by the Police, and on finding that she was in fact enticed by the petitioner herein with the object of getting married, the Police incorporated the above provisions of law in the proceeding. The petitioner seeks orders on the ground that the whole dispute stands now settled. The victim of offence is the second respondent herein, and her mother who made complaint is the third respondent. The victim is now aged 18 years. Both the

respondents have filed affidavit to the effect that the whole matter stands amicably settled, that the petitioner has married the victim, and that they are now leading a very happy married life. In fact, on a perusal of the complaint and other materials I find that this is only a case of elopement by the victim with the petitioner with the object of getting married, though statutorily it may constitute an offence for the reason that the girl was aged below 18 years on the date of the incident. Any way, now the whole matter stands amicably settled on the intervention of persons acceptable to both sides, and accordingly the victim has now become the wife of the petitioner. The victim's mother also now supports them, and she affirms that they are now leading a very happy married life. In such a situation, it is appropriate that the pending proceeding be closed, lest it might cause embarrassment to them, and continuance of the proceeding may even defile their matrimony.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No. 1947/2014 of the Chathannoor Police Station will stand quashed under Section 482 Cr.P.C.

Sd/-
P.UBAID
JUDGE

AK

//True copy//

P.A. To Judge