

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 6464 of 2015 ()

**CRIME NO. 1131/2015 OF CHAVARA THEKKUMBHAGOM POLICE STATION , KOLLAM
DISTRICT**

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PETITIONER:

**ATHUL J L., AGED 22 YEARS
S/O.LATE JAYACHANDRAN, SHIVSAGAR
VARAVILA P.O.(VIA),VAVVAKKAVU, KOLLAM DISTRICT.**

**BY ADVS.SRI.RAVI KRISHNAN
SRI.RAHUL SHENOY**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, THROUGH SUB INSPECTOR OF POLICE
CHAVARA THEKKUMBHAGOM STATION, KOLLAM DISTRICT.**
- 2. RENJITHA Y.R, AGED 18 YEARS, D/O.YESODHARMAN
RANJIN BHAVANAM, KOIVILA P.O.KOIVILA
KOLLAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB
R2 BY SRI.K.N.RADHAKRISHNAN(THIRUVALLA)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- ANNEXURE-A1:** CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.1131/2015 OF CHAVARA THEKKUMBHAGOM POLICE,
KOLLAM.
- ANNEXURE-A2:** CERTIFIED COPY OF THE STATEMENT GIVEN BY THE 2ND
RESPONDENT IN CRIME NO.1131/2015 OF CHAVARA
THEKKUMBHAGOM POLICE, KOLLAM.
- ANNEXURE-A3:** CERTIFIED COPY OF THE ADDITIONAL REPORT IN CRIME
NO.1131/2015 OF CHAVARA THEKKUMBHAGOM POLICE,
KOLLAM.
- ANNEXURE-A4:** AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6464 of 2015

Dated this the 6th day of October, 2015

O R D E R

The petitioner herein is the sole accused in Crime No.1131/2015 of the Chavara Thekkumbhagom Police Station, Kollam, involving the offences under Sections 366 and 376 IPC. The victim of offence had not attained the age of 18 years at the time of the alleged incident. The crime was initially registered under Section 57 of the Kerala Police Act. Now, the investigation is proceeding under Section 366 and 376 IPC. This is a case where a minor girl eloped with the petitioner with the object of getting married. They decided to get married without the knowledge of the parents. However, in view of the complaint, the girl was taken into custody by the police. The petitioner seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute out of court. The victim of offence, who has now become major, has filed affidavit to the effect that the whole dispute stands settled, and the petitioner has decided and agreed to marry her. As required by the court,

the petitioner also filed affidavit, attested by the Deputy Superintendent of the District Jail, Kollam, to the effect that the whole dispute stands settled, the victim now wants to go abroad for higher studies, and so, the parents have decided to solemnize their marriage on 14.05.2017. It is also averred in the affidavit that the ceremony of ring exchange will be conducted on 22.10.2015 at 10.30. A.M. The mother of the victim is present in court to explain the circumstance of the reported settlement. She affirmed before me that the members of both the families have come to a decision, and accordingly, the marriage of the petitioner and the victim has been fixed in the presence of acceptable persons including the members of SNDP Shakha of the locality. This is not a case involving public interest or public issue, and I am well satisfied that this is not in fact a case where the victim was fraudulently enticed or taken away by the petitioner. Now, the family members have intervened and taken a decision to solemnize their marriage. In such a situation, it is appropriate that the pending proceeding be closed, when the petitioner has given an undertaking by affidavit that he will marry

the victim in accordance with the customary rites, on 14.05.2017. The victim has attained majority now, but the marriage is postponed for the reason that she wants to go abroad for higher studies. I am well satisfied of the genuineness of the settlement reported. Hence, the petition is allowed.

The FIR and further proceedings in Crime No.1131/2015 of the Chavara Thekkumbhagom Police Station, Kollam District will stand quashed under Section 482 Cr.P.C. It is submitted that the petitioner is in jail. The learned trial Judge, or the learned Session Judge, as the case may be, having jurisdiction, will issue necessary orders immediately to release the petitioner.

Sd/-

P. UBAID, JUDGE

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