

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

CrI.MC.No. 6475 of 2015 ()

CRIME NO. 692/2015 OF VADANAPPALLY POLICE STATION , TRISSUR DISTRICT
=====

PETITIONER/ACCUSED:

**P.V.CHANDRABABU, AGED 54 YEARS
S/O.VELAYUDHAN, PATTATH HOUSE
VANDANAPPALLY, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR**

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM -31**
- 2. DEAVANANTHINI (MINOR), AGE 12 YEARS
D/O.SANTHOSH, (THRITHALLUR KAMALA NEHRU U.P.SCHOOL STUDENT)
REP. BY HER MOTHER SANTHINI, W/O.SANTHOSH
AGED 37 YEARS, MEPARAMBIL HOUSE, THRITHALLUR DESOM
VADANAPALLY VILLAGE, VADANAPALLY
THRISSUR DISTRICT, PIN 680 021.**

**R2 BY ADV. SRI.P.YADHU KUMAR
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6475 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE I- A TRUE COPY OF THE F.I.R DATED 19.5.2015 IN CRIME NO.692/2015 OF
VANDANAPALLY POLICE**

**ANNEXURE II- A TRUE COPY OF THE AFFIDAVIT DATED 26.9.2015 FILED BY 2ND
RESPONDENTS MOTHER ON BEHALF OF THE 2ND RESPONDENT
MINOR**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6475 of 2015

Dated this the 30th day of October, 2015

O R D E R

A crime involving the offences under Sections 451 and 354 IPC, Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, and Section 3(1)(xi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act'), is sought to be quashed. The petitioner herein is the accused in the said crime. He seeks orders quashing the prosecution on the ground that he has settled the dispute with the parents of the victim. The victim appeared in court, and on interaction regarding the reported settlement, the victim reiterated her versions in the complaint. However, the parents submitted that they have come to settlement in the best interest of the child. Now, there is police report that the petitioner is involved in eight other crimes. In such a situation, it would be illegal and inappropriate to quash the crime. The investigation will have to proceed. After investigation is over and final report is submitted, the petitioner can seek appropriate relief, if he is

aggrieved by the final report. At this stage, this Court is not inclined to interfere, when the petitioner is a person involved in so many other crimes. He can either challenge the final report in due course, or even make an application for discharge before the trial court. Without prejudice to his right to pursue any of those remedies available, this Crl.M.C. will have to be closed. The learned counsel for the petitioner expresses his concern that if he is arrested, or if the petitioner surrenders before the learned Magistrate, he will be remanded to judicial custody. I do not think that the learned Magistrate will mechanically remand the petitioner to custody without examining the case records, and without hearing the petitioner on his claim for bail. When application for bail is filed on arrest or on surrender, it will definitely be considered and decided by the learned Magistrate quite judiciously. No positive direction on that aspect also cannot be now granted. On a consideration of all the aspects and materials, appropriate decision can be taken by the learned Magistrate. Though pre-arrest bail is barred under 18 of the SC/ST Act, the learned Magistrate having jurisdiction can

entertain application for regular bail under Section 437 Cr.P.C., and pass appropriate orders.

With the above observations, this Crl.M.C. is disposed of, without prejudice to the right of the petitioner to seek appropriate relief as observed above.

Sd/-
P. UBAID, JUDGE

sd

// True Copy // P.A. to Judge