

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

CrI.MC.No. 6779 of 2015 ()

CRIME NO. 475/2015 OF GURUVAYOOR POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED:

SATYAN AGED 43 YEARS
S/O. SANKURU, PUNNA HOUSE, P.O NENMINI
CHAVAKKAD TALUK

BY ADVS.SRI.R.PREM SANKAR
SRI.B.PREMOD
SRI.M.P.SHIJU

RESPONDENT(S)/DEFACTO COMPLAINANT/DEJURE COMPLAINANT:

-
1. S I OF POLICE
GURUVAYUR TEMPLE POLICE STATION BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
 2. LAKSHMI, AGED 48 YEARS
W/O.SHAJI, MUTTATHU PARAMBIL (H) EDAPULLY 682 024
- R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6779 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1 THE CERTIFIED COPY OF THE F.I.R LAID BY THE SUB INSPECTOR
OF POLICE, GURUVAYUR TEMPLE POLICE STATION BEFORE THE HON'BLE
JUDICIAL FIRST CLASS MAGISTRATE COURT CHAVAKKAD

ANNEXURE 2: THE TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE DEFACTO
COMPLAINANT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.A TO JUDGE

P.UBAID, J.

Crl.M.C No.6779 of 2015

Dated this the 23rd day of November, 2015

O R D E R

The petitioner seeks orders quashing the FIR and further proceedings in Crime No.475/2015 of the Guruvayoor Temple Police Station registered under Sections 7 and 8 of the Protection of Children from Sexual Offences Act. He seeks orders on the ground that the case stands amicably settled out of court. The petitioner has also produced a statement signed by the defacto complainant Lakshmi. The victim of offence is the small daughter of the said Lakshmi, aged only 13 years. The prosecution allegation is that the said small girl was sexually assaulted by the petitioner. The defacto complainant is the second respondent herein. The petitioner has not produced the affidavit of the defacto complainant. For the purpose of verifying the truth of the settlement reported to Court, this Court directed the parties to appear in person. The second respondent did not appear inspite of direction. This itself creates some suspicion regarding the settlement reported. Anyway, the police was required to report regarding the antecedents of the petitioner. Accordingly, the Sub Inspector of Guruvayoor Temple Police Station submitted a

report that in connection with the incident alleged in this case, the complainant and her minor daughter (victim) were assaulted by one Johnson and some other persons on 25.10.2015, and they were also threatened that the complaint filed by the second respondent against Satyan should be withdrawn. The police report also shows that some signed blank papers were obtained by the said Johnson from the complainant Lakshmi. Regarding the said incident, the police has also registered a crime as crime No.947/2015 under Section 341, 384 and 394 r/w 34 of the Indian Penal Code against the said Johnson and others. In view of the said police report, it would be illegal and inappropriate to quash the present crime against Satyan. The investigation will have to proceed. Non appearance of the complainant in court also shows that the settlement reported to court cannot be true. Anyway, the police report regarding the connected incident that happened on 25.10.2015, allegedly at the instance of Satyan, makes the settlement suspicious. I am not inclined to quash the FIR, as prayed for.

In the result, this petition is dismissed in limine without being admitted to files.

**P.UBAID
JUDGE**

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