

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Crl.MC.No. 7111 of 2015 (E)

SC 212/2011 OF THE DISTRICT & SESSIONS COURT -II, THIRUVANANTHAPURAM

CRIME NO. 95/2010 OF POOVAR POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :-

**ABHIJITH M.S., S/O.MONY, CHITHIRA CHEKKADY,
ARUMANOOR DESOM, POOVAR, THIRUPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 525.**

BY ADV. SRI.S.SAJU

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE C.I OF POLICE,
POOVAR POLICE STATION, THIRUVANANTHAPURAM-
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THANKAPPAN H.,S/O.HARISH, ASHA BHAVAN, ELAYINGAVILAKAM,
POOVAR P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695 525.**
- 3. GREESHA RANI B.T., W/O.ABHIJITH M.S,
CHITHIRA CHEKKADY, ARUMANOOR DESOM,
POOVAR, THIRUPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 525.**

**R2 & R3 BY ADV. SRI.P.M.SHAMEER
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7111 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : THE CERTIFIED COPY OF THE FIR IN CRIME 95/10 OF POOVAR
POLICE STATION DATED 25.2.10.**

**ANNEXURE A2 : THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME
NO.95/2010 OF POOVAR POLICE STATION IN SC 212/11 OF
HONOURABLE DISTRICT AND SESSIONS COURT II AT
THIRUVANANTHAPURAM.**

**ANNEXURE A3 : TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 9.8.12 ISSUED
BY THE SUB-REGISTRAR CUM MARRIAGE OFFICER, POOVAR.**

**ANNEXURE A4 : THE ORIGINAL OF THE AFFIDAVIT FILED BY 2ND RESPONDENT
DATED 5.11.15.**

**ANNEXURE A5 : THE ORIGINAL OF THE AFFIDAVIT FILED BY THE 3RD
RESPONDENT DATED 5.11.15.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7111 of 2015

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Dated this the 16th day of November, 2015

ORDER

A prosecution involving the offences under Sections 366A and 376 IPC is sought to be quashed under Section 482 Cr.P.C. The petitioner is the sole accused in S.C.No.212 of 2011 of the Court of Session, Thiruvananthapuram. The police registered the crime on the complaint of the second respondent herein. The third respondent is the victim of offence. The petitioner seeks orders on the ground of amicable settlement of the whole dispute out of court. Both the respondents have filed affidavit to the effect that the whole dispute stands settled amicably, and that the petitioner has already married the victim in terms of the settlement. On hearing both sides, and on a perusal of the materials, I find that this is a case of elopement by the victim with the petitioner, with the object of getting married. Materials will show that they had been in love for years, and a crime happened to be registered because, the girl was aged only 15 years at the time of the incident. Now, the petitioner has married the victim, and the

marriage is registered under the law. Annexure-A3 is copy of the marriage certificate. The victim is now aged 21 years. Her affidavit shows that she is happy in matrimony with the petitioner herein, and that there is no problem in between them, or between the petitioner and the father-in-law. The whole dispute stands resolved forever.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, or if continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. If the present prosecution is allowed to continue, it will definitely defile the happy matrimony. It is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner in S.C.No.212 of 2011 of the Court of Session, Thiruvananthapuram (Second Additional Sessions Court) will stand quashed under Section 482 Cr.P.C.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE