

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Crl.MC.No. 7244 of 2015 ()

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SC 521/2014 of SESSIONS COURT, MANJERI
CRIME NO. 449/2013 OF VALANCHERY POLICE STATION , MALAPPURAM DISTRICT
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PETITIONERS/ACCUSED NOS.1,2 AND 3:

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- 1. MUKESH, AGED 25 YEARS
PAVITRA NIVAS, KAKKANAM
MARAYAMUTTOM P.O
THIRUVANANTHAPURAM.**
 - 2. SHALU, AGED 21 YEARS
S/O.NELSON, THEKKEPUTHAN VEEDU
MARAYAMUTTOM PO, NEYYATTINKARA
THIRUVANANTHAPURAM.**
 - 3. ANITHAKUMARI, AGED 33 YEARS
ASHARIVILAKAM HOUSE, KERALADITHYAPURAM
PADIKONAM P.O, THIRUVANANTHAPURAM.**

BY ADV. SMT.NIMA JACOB

RESPONDENT/COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**
 - 2. ROMIJA, W/O.MUKESH
PAVITRA NIVAS, KAKKANAM, MARAYAMUTTOM P.O
THIRUVANANTHAPURAM - 695 124.**

**R2 BY ADV. SRI.M.J.VINOD
R1 BY PUBLIC PROSECUTOR SMT. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- ANNX.A1 - TRUE COPY OF FINAL REPORT IN CRIME NO.449/2013 OF
VALANCHERRY POLICE STATION
- ANNX.A2 - TRUE COPY OF THE FIR IN CRIME NO.449/2013 OF VALANCHERRY
POLICE STATION.
- ANNX.A3 - TRUE COPY OF THE LETTER WRITTEN BY THE 2ND RESPONDENT.
- ANNX.A4 - TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE 1ST
PETITIONER AND 2ND RESPONDENT.
- ANNX.A5 - TRUE COPY OF THE AFFIDAVIT SIGNED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

/// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7244 of 2015

Dated this the 18th day of December, 2015

O R D E R

The petitioners herein are the three accused in S.C.No.521/2014 of the Court of Session, Manjeri, involving the offences under Sections 366(A) and 376 IPC. The 2nd respondent herein is the victim of offence, on whose complaint the case was registered. The crime happened to be registered when she eloped with the first petitioner herein with the object of getting married. The victim was below 18 years of age on the said date. Now, the petitioners seek orders quashing the prosecution on the basis of amicable settlement made by the parties out of court. The first petitioner has married the victim of offence in terms of the settlement.

2. In so many decisions, the Honourable Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution, if the parties have come to terms amicably, and continuance of the prosecution will not serve any purpose. The petitioners have produced copy of the marriage certificate. I am well satisfied that the victim of offence is the

legally wedded wife of the first petitioner. In such a situation, if the prosecution continues, it will cause embarrassment to them and such a course may even defile their happy matrimony. On a perusal of the materials, I find that everything that happened between them was purely consensual. Any way, they have now become man and wife, and the whole dispute stands resolved. It is appropriate that the present prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner in S.C.No.521/2014 of the Court of Session, Manjeri is quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge