

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. 7263 of 2015 ()

SC 1200/2014 of DISTRICT & SESSIONS COURT, KOLLAM

PETITIONER/ACCUSED:

**MANU M, AGED 30 YEARS
S/O.MOHANAN, CHARIKULAPUTHENVEEDU, PALAKKAL
AYIRAKUZHI POST, KADAKKAL, KOLLAM.**

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENTS/STATE/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.682 031.**
- 2. SUMI.S.V., D/O.VIJAYAKUMARI, PANAYIL PUTHENVEEDU, VARAYARA
EDATHARA POST, KADAKKAL, KOLLAM DISTRICT. 691 536.**

**R2 BY ADV. SRI.K.R.SAJITH
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

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

Crl.MC.No. 7263 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A: CERTIFIED COPY OF THE CHARGE IN SC NO.1200 OF 2014 BEFORE
THE SESSIONS COURT AT KOLLAM.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7263 of 2015

Dated this the 18th day of December, 2015

O R D E R

The petitioner herein who is the sole accused in S.C.No.1200/2014 of the Court of Session, Kollam seeks orders quashing the prosecution on the ground of amicable settlement out of court. The 2nd respondent herein is the victim of offence. She is the mother of a child aged 4½ years. On 22.02.2012 she eloped with the petitioner herein who is her paramour. They stayed at different places and had even sexual relationship on many occasions. On her mother's complaint the police registered a man missing complaint which was later converted into a prosecution under Sections 366 and 498A IPC. During investigation the victim gave a statement that she eloped with her paramour, without any compulsion or enticement. Despite this statement, the police proceeded with investigation and submitted final report. Now, the whole matter stands settled forever. The victim is the wife of another person. She has filed a statement that she is happy in her matrimony, and she does not want to prosecute the matter. Even otherwise, on a perusal of the

materials, I find that this is not in fact a case of abduction. It is quite clear that the victim eloped with her paramour with the object of getting married, and they stayed at many places as man and wife. It is not known how the crime happened to be converted to one under Section 366 IPC. The victim's statement given to the police shows that everything happened between her and the petitioner herein was fully consensual, and there was no compulsion, or threat, in their relationship. Any way, the whole dispute stands resolved now, and she has decided not to proceed with the matter. She probably thought it wise to let her paramour free. I find that continuance of the prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court.

In the result, this petition is allowed. The prosecution against the petitioner in S.C.No.1200/2014 of the Court of Session, Kollam will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge