

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Crl.MC.No. 6145 of 2014 ()

CC.NO. 629/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT., ADOOR

PETITIONER/4TH ACCUSED:

**MAHESH,
MELATHUKIZHAKETHIL,
THAZHAKARA.P.O., MAVELIKARA.**

**BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN
SMT.PARVATHY NAIR**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.PIN- 682 031.**
- 2. SANTHOSH G.,
PALATHADATHIL THODUKAYIL, POOZHICKATTU,
PANTHALAM. PIN-689 501.**

**R1 BY PUBLIC PROSECUTOR SMT. MAYA
R2 BY ADVS. SRI.K.S.SIVA KUMAR
SRI.C.B.SREEKUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 6145 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX I- A TRUE COPY OF COMPLAINT IN C.C.629/12 BEFORE THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, ADOOR ALONG WITH THE STATEMENTS OF THE WITNESSES.**
- ANNEX II- A TRUE COPY OF COMPLAINT DATED 07.01.2012 FILED BY THE COMPLAINANT BEFORE PANDALAM POLICE STATION.**
- ANNEX III- A TRUE COPY OF AFFIDAVIT DATED 12.01.2012 SWORN TO BY INDULEKHA BEFORE THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, ADOOR.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

B. KEMAL PASHA, J.

.....
Crl.M.C. No. 6145 of 2014
.....

Dated this the 10th day of December, 2015

ORDER

Petitioner is the 4th accused in C.C.No.629/2012 of the Judicial First Class Magistrate's Court, Adoor for the offences punishable under Sections 120B, 447, 415, 417, 379 and 498 of the Indian Penal Code read with Section 34 IPC.

2. The crime was registered on the basis of a private complaint filed by the 2nd respondent herein as complainant alleging the aforesaid offences. The prosecution case is that one Indulekha, who is the 2nd accused, was given in marriage to the defacto complainant, who is the 2nd respondent herein, on 01.01.2012 and she

was living with the 2nd respondent at the house of the 2nd respondent till 06.01.2012. It is alleged that on 06.01.2012 the petitioner trespassed into the property and building of the 2nd respondent and enticed and took away Indulekha from there. It is further alleged that at that time, the 2nd accused Indulekha took away one gold chain belonging to the sister of the 2nd respondent. The parents of the 2nd accused also have allegedly cheated and defrauded the 2nd respondent by concealing her premarital affair.

3. According to the learned counsel for the petitioner, the 2nd accused had appeared before the court below and had voluntarily given a statement that she, on her own volition, went away from the house of the 2nd respondent and has been residing with her mother, on account of the cruelties meted out towards her by the 2nd respondent. She has not revealed the involvement of the petitioner in the incident. Whatever it is, it is a matter based on evidence. If the allegations can be proved, definitely an

offence under Section 498 IPC, as against the petitioner, is legally sustainable. It depends on evidence. The present stage is too premature to conclude that the petitioner has not committed the offence alleged against him. A premature termination of the criminal proceedings is not possible in a case like this. Matters being so, this Crl.M.C. is devoid of merits, and is only to be dismissed, and I do so.

In the result, this Crl.M.C. stands dismissed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge