

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Crl.MC.No. 7652 of 2015 ()

**SC 702/2015 of DISTRICT & SESSIONS COURT,KOLLAM
CRIME NO. 641/2014 OF CHAVARA POLICE STATION , KOLLAM DISTRICT**

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PETITIONER/ACCUSED:

**ADINAN, AGED 23 YEARS
S/O.BADARUDEEN, PARANGIMAMMOOTIL
PADAYANARKULANGARA NORTH MURI
KARUNAGAPPALLY VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

- 1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
ANCHALUMMOODU POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**
 - 2. NIZAMUDEEN, AGED 45 YEARS
S/O.JAMALUDEEN KUNJU, NATTUNKAL VEEDU, PAYIKUZHI MURI
OACHIRA VILLAGE, KANNUR DISTRICT.**
 - 3. NASEENA, AGED 19 YEARS
W/O.ADINAN, PARANKIMAMMOOTIL
PADAYANARKULANGARA NORTH MURI
KARUNAGAPPALLY VILLAGE
KOLLAM DISTRICT FROM NATTUNKAL VEEDU
PAYILKUZHI MURI, OACHIRA VILLAGE, KOLLAM DISTRICT.**
- R2,R3 BY ADV. SRI.A.MUHAMMED RAFFI
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE 1 : THE COPY OF FIR WITH FIS IN CRIME NO.641/2014 OF CHAVARA
POLICE STATION.**

**ANNEXURE 2 : THE COPY OF FINAL REPORT SUBMITTED IN CRIME NO.641/2014 DT
10-6-2014.**

**ANNEXURE 3 : THE COPY OF MARRIAGE CERTIFICATE ISSUED FROM THE OACHIRA
PADINJARE THERUVU JUMA ATH COMMITTEE DT 20-5-2015.**

**ANNEXURE 4 : THE COPY OF CERTIFICATE OF MARRIAGE ISSUED FROM THE
REGISTRAR OF MARRIAGES (COMMON), KRINAPURAM GRAMA
PANCHAYAT DT 3-6-2015.**

**ANNEXURE 5 : THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING THE
COMPROMISE REACHED WITH THE PETITIONER DT 2-12-2015.**

**ANNEXURE 6 : THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT REGARDING THE
COMPROMISE REACHED WITH THE PETITIONER DT 2-12-2015.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7652 of 2015

Dated this the 8th day of December, 2015

O R D E R

The petitioner herein is the sole accused in S.C.No.702/2015 of the Court of Session, Kollam involving the offence under Section 366 IPC. The case against him is that he enticed a girl aged 17 years with the object of getting married. He now seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute out of court. The 3rd respondent herein is the victim of offence, who is now aged 19 years, and the 2nd respondent is her father. Both the respondents have filed affidavit that the whole dispute stands settled amicably out of court. It is also averred that the petitioner has married the victim in accordance with the customary rites, and the marriage stands registered under the law. Annexure-A3 is the certificate from the Mosque Committee showing the solemnization of marriage, and Annexure-A4 is the copy of the certificate of registration. I am well satisfied that the victim and the petitioner are now happy in matrimony, and that if the prosecution is allowed to continue in such a situation, it will definitely defile their happy matrimony.

There is reason to believe that the victim and the petitioner had been in intense love, and with the object of getting married the victim eloped with the petitioner without the knowledge of the parents. In such a situation, a crime happened to be registered for the reason that the victim was aged below 18 years at the time of incident. Any way, now the whole dispute stands resolved. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed, and the prosecution against the petitioner in S.C.No.702/2015 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