

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.MC.No. 7872 of 2015 ()

CRIME NO. 787/2015 OF VENMANI POLICE STATION , ALAPPUZHA

PETITIONERS/ACCUSED AND VICTIM:

- 1. VINOD V AGED 23 YEARS
S/O VIJAYAN @ SASI, THEKKEKARA, KARITHOTTA P.O.
MEZHUVELI, PATHANAMTHITTA.**
- 2. SUKANYA SUDHESAN AGED 18 YEARS
D/O. SREEKALA, KAVINTE PADINJARETHIL, KARITHOTTA P.O.
KIDANGANNOOR, PATHANAMTHITTA.**

BY ADV. SRI.B.MOHANLAL

RESPONDENTS/COMPLAINANT:

- 1. STATE REPRESENTED BY THE STATION HOUSE OFFICER
VENMANI POLICE STATION
ALAPPUZHA DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE
DISTRICT CRIEM RECORDS BUREAU
OFFICE OF THE DISTRICT POLICE CHIEF, ALAPPUZHA
PIN:688 001.**
- 3. THE DISTRICT POLICE CHIEF
ALAPPUZHA P.O., ALAPPUZHA, PIN:688001.**
- 4. SMT. SREEKALA
PALAMOOTTIL HOUSE, PUNTHALATHAZHOM, VENMANI
CHENGANNUR, ALAPPUZHA, PIN:689121.**

R1-R3 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1 : COPY OF THE S.S.L.C CERTIFICATE OF THE 1ST PETITIONER ISSUED BY THE BOARD OF PUBLIC EXAMINATIONS, KERALA.**
- ANNEXURE 2 : COPY OF THE CERTIFICATE ISSUED BY THE C.B.S.E., DELHI TO THE 2ND PETITIONER.**
- ANNEXURE 3 : COPY OF THE CERTIFICATE NO.23/2015 DATED 2.12.2015 ISSUED BY THE SECRETARY, POTHUMPARA MALANADA SREE BHAGAVATHI TEMPLE TO THE PETITIONERS.**
- ANNEXURE 4 : EXTRACT OF THE MARRIAGE REGISTER ISSUED FROM THE POTHUMPARA MALANADA SREE BHAGAVATHI TEMPLE.**
- ANNEXURE A5 : COPY OF THE CERTIFICATE OF MARRIAGE NO:6412/2015 DATED 3.12.2015 ISSUED FROM THE REGISTRAR OF MARRIAGE GENERAL, KALANJOOR GRAMA PANCHAYATH TO THE PETITIONERS.**
- ANNEXURE A6 : COPY OF THE FIR IN CRIME NO.787/2015 OF VENMANI POLICE STATION IN ALAPPUZHA DISTRICT UNDER SECTION 57 OF THE KERALA POLICE ACT 2011.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7872 of 2015

Dated this the 17th day of December, 2015

ORDER

The de facto complainant and the accused in Crime No.787/2015 of Venmani Police Station seek orders quashing the said FIR and further proceedings on the ground that they are now man and wife, and there is no scope to proceed with the prosecution in such a situation. The 2nd petitioner eloped with the 1st petitioner, with object of getting married, when she was only 17 1/2 years old. On the complaint made by the 2nd petitioner's mother, the Police registered a crime under Section 57 of the Kerala Police Act. When the 2nd petitioner attained majority, the 1st petitioner married her in accordance with the customary rites and ceremonies, and the marriage stands registered under the law. Annexure- A1 document proves her age and Annexure-A5 certificate of marriage prove their marriage. Of course it is true that on the date of the complaint, the victim was not aged 18 years. Probably the Police must have filed report in court altering the Section of offence. Anyway, the

whole matter now stands resolved forever. The victim is now the wife of the accused, and now they are leading a very happy matrimony. A prosecution process may defile their happy matrimony. In such a situation, it is appropriate that the proceedings be quashed.

In the result, the petition is allowed. The FIR and proceedings in Crime No.787/2015 of Venmani Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

JV

SD/-
P. UBAID
JUDGE