

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 26TH DAY OF DECEMBER 2014/5TH POUSHA, 1936

Crl.MC.No. 7377 of 2014 ()

AGAINST THE JUDGMENT IN SC 1164/2012 of PRINCIPAL SESSIONS
COURT, KASARAGOD

CRIME NO. 657/2011 OF BEKAL POLICE STATION , KASARGOD

PETITIONER(S) :

SAINUDHEEN

S/O.SHAFFI, SINUDHEEN MANZIL, HADAD NAGAR
HASSAN BAZAR, PALLIKKARA VILLAGE, BEKAL
HOSDURGH TALUK, KASARGODE.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :

1. STATION HOUSE OFFICER
BEKAL POLICE STATION, KASARGODE DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031.
2. NAFIYATH
W/O.SAINUDHEEN, SAINUDHEEN MANZIL, HADAD NAGAR
HASSAN BAZAR, PALLIKKARA VILLAGE, HOSDURGH TALUK
KASARAGOD.

R2 BY ADV. SRI.B.N.HASKAR

R1 BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-12-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7377 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1. COPY OF THE FIR AND FIS IN CRIME 657/11 OF BEKAL POLICE STATION IN KASARAGOD DISTRICT.

ANNEXURE A2. COPY OF THE FINAL REPORT IN CRIME NO.657/11 OF BEKAL POLICE STATION IN KASARAGOD DISTRICT PENDING AS SC 1164/14 ON THE FILE OF THE PRINCIPAL SESSIONS COURT, KASARAGOD.

ANNEXURE A3. COPY OF THE INTERIM ORDER DATED 06.08.14 IN WPC 20024/14 OF THIS HONOURABLE COURT.

ANNEXURE A4. COPY OF THE MARRIAGE CERTIFICATE DATED 04.11.14 ISSUED BY THE MARRIAGE OFFICER, UDMA UNDER SPECIAL MARRIAGE ACT.

ANNEXURE A5. COPY OF THE AFFIDAVIT DATED 23.12.2014 SUBMITTED BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.S TO JUDGE

vdv

B.KEMAL PASHA, J.

Crl.M.C. No.7377 of 2014

Dated this the 4th day of February 2015

ORDER

The accused in crime No.657 of 2011 of Bekal Police station, which is presently pending as S.C. No.1164 of 2012 before the Sessions Court, Kasargode, is the petitioner herein. He has come up with an application under Section 482 of the Code of Criminal Procedure for getting Annexure A1 F.I.R. and A2 Final report in the said crime and all consequent proceedings in the aforesaid Sessions case, quashed.

2. The prosecution case is that the petitioner had enticed a 15 year old daughter of the de-facto complainant, took her to Thiruvananthapuram and subjected her to sexual intercourse.

3. According to the learned counsel for the petitioner, he has

married the victim girl on 4.11.2014 and thereafter, they have been residing as husband and wife. According to the petitioner, in such case, the proceedings before the court below have become unnecessary and there is no chance of conviction in the matter, as the victim girl or the de-facto complainant will not support the prosecution.

4. The second respondent is the victim girl, who has attained the age of majority in the year 2014. She has affirmed in the affidavit that her marriage with the petitioner was conducted as per the provisions of the Special Marriage Act and they are residing together as wife and husband and that she has no complaints against the petitioner. She has entered appearance through her counsel. The learned counsel for the second respondent also endorses the fact that the affidavit has been sworn in by the second respondent herself and a copy of the certificate of marriage dated 4.11.2014 has also been produced.

5. When the matter has been amicably settled and the parties are residing together as husband and wife and leading a peaceful married life, I do not think that further prosecution of the case is not required for any purpose at all. Matters being so, Annexure A1 F.I.R. and A2 Final report in crime No.657 of 2011 of Bekal Police Station, which is presently pending as S.C. No.1164 of 2012 before the Sessions Court, Kasargode and all further proceedings based on it, are only to be quashed.

In the result, this Crl.M.C. is allowed. Annexure A1 F.I.R. and A2 Final report in crime No.657 of 2011 of Bekal Police Station, which is presently pending as S.C. No.1164 of 2012 before Sessions Court, Kasargode and all further proceedings based on it, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge