

Manu a. vs State of Kerala

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Court : Kerala Orders

Decided On : May-21-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/6691/2021

Appellant : MANU A.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 21ST DAY OF MAY 2024 / 31ST VAISAKHA, 1946
CRL.MC NO. 6691 OF 2021 CRIME NO.1414/2021 OF KEEZHVAIPUR
POLICE STATION PETITIONER/ACCUSED: MANU A. AGED 31
YEARS S/O.BABU, MANJALLOORKUNNEL, VAIPOOR P.O.,
PATHANAMTHITTA DISTRICT. BY ADV K.S.ARUNDAS
RESPONDENT/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2
XXXX BY ADV AUGUSTUS BINU PP - M P PRASANTH THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21.05.2024, THE COURT ON THE SAME DAY PASSED THE

FOLLOWING:

ORDER

Dated this the 21st day of May, 2024 This Criminal Miscellaneous Case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash all further proceedings against the petitioner/accused pursuant to Annexure-I FIR in Crime No.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor and the learned counsel appearing for the defacto complainant.

3. In this matter, the prosecution allegation is that

the petitioner herein subjected the defacto complainant to sexual intercourse on the promise of marriage. Further allegation is that the defacto complainant was subjected to miscarriage by the accused. Thereby, the prosecution alleges commission of offences punishable under Sections 312, 376 (2)(n) and 450 of IPC.

4. The learned counsel for the petitioner argued at

length to convince this Court the petitioner is innocent and he submitted that, going by the allegation in the FIS, it could be gathered that the sexual intercourse was consensual in nature. Therefore, no offence punishable under Section 376(2)(n) of IPC is made out.

5. Whereas, the learned Public Prosecutor opposed quashment of FIR, since investigation is necessary to unearth the truth of the allegations.

6. On perusal of the FIS, two allegations are made

out. First one is sexual intercourse on the promise of marriage and second one is causing miscarriage of the defacto complainants pregnancy in a private hospital. Thus, this is a matter which would require detailed investigation. Therefore, this is not a fit case for

quashment. Accordingly, this petition stands dismissed with liberty to the Investigating Officer to go on with the investigation. All coercive proceedings against the petitioner shall stand stayed for a period of two weeks with direction to the petitioner to co-operate with the investigation and move for bail, in accordance with law.

Sd/- A. BADHARUDEEN JUDGE SK APPENDIX OF CRL.MC 6691/2021
PETITIONER ANNEXURES : Annexure I A CERTIFIED COPY OF FIR IN CRIME
Annexure II A CERTIFIED COPY OF FIR IN CRIME RESPONDENTS
ANNEXURES : NIL

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