

Harilal vs State of Kerala

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Court : Kerala

Decided On : Apr-25-2024

Judge : Honourable Mrs. Justice C.S. Sudha

Appeal No. : Crl.MC/9180/2023

Appellant : Harilal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE C.S. SUDHA
THURSDAY, THE 25TH DAY OF APRIL 2024 / 5TH VAISAKHA, 1946
CRL.MC NO. 9180 OF 2023 CRIME NO.1839/2020 OF
KAZHAKKUTTOM POLICE STATION, IN SC NO.552 OF 2021 OF
DISTRICT COURT & SESSIONS COURT, PETITIONER/ACCUSED:
XXXXXXXXXX BY ADV. LATHEESH SEBASTIAN
RESPONDENTS/STATE & COMPLAINANT & VICTIM: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, PIN - 682031 2 ASSISTANT COMMISSIONER OF
POLICE CYBER CITY SUB DIVISION, KAZHAKUTTAM,
THIRUVANANTHAPURAM, PIN - 695582 3 STATION HOUSE

OFFICER KAZHAKUTTAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT, PIN - 695582 4 XXXXXXXXXXXX
BY ADV NEETHU S. OTHER PRESENT SMT. SEETHA.S,
GOVERNMENT PLEADER THIS CRIMINAL MISC. CASE HAVING
COME UP FOR ADMISSION ON 25.04.2024, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

C.S.SUDHA, J.

----- Dated this the 25th day
of April, 2024

ORDER

This petition is filed for quashing Crime No.1839/2020 of Kazhakuttam Police Station, which has been taken on file as S.C.No.552/2021 on the file of Court of Sessions, Thiruvananthapuram. The offences alleged against the accused are punishable under Sections 376 and 506(i) of the Indian Penal Code, 1860 r/w Section 3(1)(w)(i) and 3(2)(v) of SC/SCT (POA) Act, 1989.

2. The counsel for the 4th respondent, the aggrieved, is also

present. An affidavit has been filed by the 4th respondent stating that due to a misunderstanding the crime had been registered; that she had consensual sexual relation with the petitioner/accused; that she has married the petitioner on 23.10.2022 and that they are leading a marital life. In such circumstances, no purpose would be served by proceeding with the trial of the case. Accordingly, the matter is quashed under Section 482 of Code of Criminal Procedure, 1973. Crl.M.C. is allowed as above. Interlocutory applications, if any pending, shall stand closed. Sd/- C.S.SUDHA JUDGE Jka/25.04.24 APPENDIX OF CRL.M.C 9180/2023 PETITIONERS ANNEXURES ANNEXURE I TRUE COPY OF THE FINAL REPORT OF THE 3rd RESPONDENT IN CRIME NO.1839/2020 OF KAZHAKUTTAM POLICE STATION IN SEALED COVER ANNEXURE 2 TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE REGISTRAR OF

MARRIAGE OF KADINAMKULAM GRAMA PANCHAYAT ON 08.11.2022 IN SEALED COVER ANNEXURE 3 TRUE COPY OF THE BIRTH CERTIFICATE OF THE

CHILD OF THE PETITIONER AND THE 4TH RESPONDENT ISSUED BY THE REGISTRAR OF BIRTH AND DEATH OF CHIRAYINKEEZHU GRAMA PANCHAYAT IN SEALED COVER ANNEXURE 4 COPY OF THE AFFIDAVIT EXECUTED BY THE 4 th RESPONDENT IN SEALED COVER

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