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Faizal vs State of Kerala

Faizal vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1330746

Court : Kerala

Decided On : May-24-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/127/2022

Appellant : Faizal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 5076 OF 2018 CRIME NO.727/2018 OF POOCHAKKAL POLICE STATION PETITIONER/ACCUSED: VISHNU AGED 24 YEARS S/O.BALAKRISHNAN, THANALIL VEEDU, NEDUMBRAKKAD, CHERTHALA, ALAPPUZHA DISTRICT. BY ADV SRI.SHAJIN S.HAMEED RESPONDENTS/STATE & DE FACTO COMPLAINANT (VICTIM): 1 STATE OF KERALA REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE, CHERTHALA DIVISION, REPRESENTED THORUGH THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM. 2 VICTIM XXX BY ADVS.

SRI.P.S.RAMU, SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.6550/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 2 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 69 OF 2022 AGAINST THE ORDER IN SC 906/2021 ON THE FILES OF THE ADDITIONAL DISTRICT AND SESSIONS COURT (FOR THE TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL VIOLENCE TOWARDS WOMEN AND CHILDREN)KOZHIKODE PETITIONER/ACCUSED NO.2: RADHA C.P. AGED 59 YEARS W/O.BALAN V., SAIKRUPA, PERUVAYAL, KUNNAMANGALAM, KOZHIKODE DISTRICT, PIN - 673 008. BY ADV ADITHYA RAJEEV RESPONDENTS/STATE AND DE FACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI - 682 031. 2 XXX X BY ADV SREEHARI INDUKALADHARAN, SMT.M.K.PUSHPALATHA, SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 3 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 84 OF 2022 AGAINST SC 809/2020 OF 1ST ADDITIONAL SESSIONS JUDGE FAST TRACK SPECIAL COURT, PATTAMBI

PETITIONER/ACCUSED 1 AND 2 1 XXXXX XXX 2 XXX XXX BY ADVS. RAJESH SIVARAMANKUTTY K.VIJINA

RESPONDENTS/STATE/DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682031. 2 YYYY X OTHER PRESENT: SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 4 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 127 OF 2022 CRIME NO.242/2018 OF KILIKOLLOOR POLICE STATION PETITIONER/ACCUSED: FAIZAL AGED 27 YEARS S/O HABEEB, CHAPPAYILPUTHENVEEDU, ROSE NAGAR-34, ARUNOOTTIMANGALAM CHERRY, MANGADU VILLAGE, KILIKOLLOOR P O, KOLLAM-691004. BY ADV M.RAJESH RESPONDENTS/COMPLAINANTS: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 THE SUB INSPECTOR OF POLICE, KILIKOLLOOR POLICE STATION, KILIKOLLOOR P O, KOLLAM DISTRICT-691004. 3 XXXXX XXX BY ADV C.R.JAYAKUMAR, SMT T .V.NEEMA SR PP , THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 5 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 138 OF 2022 CRIME NO.393/2018 OF TIRUR POLICE STATION PETITIONER/ACCUSED: ANSAR AGED 26 YEARS S/O.HAMSAKOYA, ASSAINARUPURAKKAL HOUSE, VADIKKAL,

KUTTAYI, MALAPPURAM DISTRICT. BY ADV P.T.SHEEJISH RESPONDENT/STATE AND DEFACTO COMPLAIINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. 2 XXX X BY ADV AJOY VENU,SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 6 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 279 OF 2022 SC 906/2021 OF ON THE FILES OF THE ADDITIONAL DISTRICT AND SESSIONS COURT (FOR THE TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL VIOLENCE TOWARDS WOMEN AND CHILDREN), KOZHIKODE PETITIONER/ACCUSED NO.1: RAJESH KUMAR AGED 38 YEARS S/O.BALAN V., SAIKRUPA, PERUVAYAL, KUNNAMANGALAM, KOZHIKODE DISTRICT, PIN 673 008 BY ADV ADITHYA RAJEEV RESPONDENTS/STATE AND DE FACTO COMPLAINANT: 1 STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI 682 031 2 XXXXX X BY ADV SREEHARI INDUKALADHARAN,SMT M.K.PUSHPALATHA, SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 7 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 347 OF 2022 SC 251/2020 OF SESSIONS

COURT,PATHANAMTHITTA PETITIONER/ACCUSED: X AGED 70 YEARS XXX BY ADVS.V.JOHN SEBASTIAN RALPH VISHNU CHANDRAN RALPH RETI JOHN APPU BABU SHIFNA MUHAMMED SHUKKUR ANILA T.THOMAS MAMATHA S. ANILKUMAR RESPONDENT/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 Y XXX BY ADV ALBIN ANTO,SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 8 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 366 OF 2022 CRIME NO.1600/2021 OF ERNAKULAM TOWN NORTH POLICE STATION PETITIONER/ACCUSED: FEBIN ANTONY AGED 29 YEARS S/O. ANTONY THOMAS, POONIYIL HOUSE, AZHOOR, PATHANAMTHITTA-689645. BY ADVS. B.PRAMOD P.V.MATHEW (POWANCHIRA) NAMITHA JYOTHISH RESPONDENTS/STATE & DE FACTO COMPLAINANT: 1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 XXX X BY ADV BIJU VIGNESWAR,SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 9 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 445 OF 2022 AGAINST SC 264/2021 OF FAST TRACK

SPECIAL COURT KUNNAMKULAM PETITIONERS/ACCUSED: 1 ABIN BIJU,AGED 24 YEARS,S/O. BIJU, THATTIL HOUSE, PARATHODU, KONNATHADI, IDUKKI DISTRICT. 2 BOBIN CHACKO,AGED 27 YEARS,S/O. CHACKOCHAN, THATTIL HOUSE, PARATHODU, KONNATHADI, IDUKKI DISTRICT. BY ADVS., R.RANJITH (MANJERI) T.U.ANUKRISHNA RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031, THROUGH THE SUB INSPECTOR OF POLICE, IRITTY POLICE STATION, KANNUR DISTRICT. 2 XXXXX, D/O XXXXX 3 XXXX S/O XXXX BY ADV A.P.NIDHIN KUMAR -: 10 :- OTHER PRESENT: SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 11 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 408 OF 2022 AGAINST SC 1741/2019 OF FAST TRACK SPECIAL COURT, (POCSO), NEYYATTINKARA PETITIONER/ACCUSED: RUPESH,AGED 37 YEARS S/O. KRISHNAN, SHREE CHAKRA BANGLAVU, NEAR VETTAMUKKU JUNCTION, THIRUMALA VILLAGE, THIRUVANANTHAPURAM-695 006 BY ADV S.MOHAMMED AL RAFI RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 2 XXX XXX BY ADV MUHAMMED SUHAIL K.H.,SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 12 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 424 OF 2022 CRIME NO.3077/2019 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT PETITIONER/ACCUSED: AKASH @ APPU,AGED 26 YEARS S/O. SANTHOSH , THAZHASSERIL HOUSE, K.M.C. 33, CHIRAKKADAVAM MURI, GOVINDAMUTTOM, PUTHUPPALLI VILLAGE, KAYAMKULAM, ALAPPUZHA 690 502. BY ADVS. K.SIJU ANJANA KANNATH T.S.SREEKUTTY RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 THE STATION HOUSE OFFICER, KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT 690 502. 3 XXX X BY ADV A.MUHAMMED RAFFI -: 13 :- OTHER PRESENT: SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 14 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 466 OF 2022 AGAINST SC 1245/2016 OF FAST TRACK SPECIAL COURT, NEYYATTINKARA PETITIONER/VICTIM: XXXXX X BY ADVS.ABHISHEK M. KUNNATHU, RASAL JANARDHANAN A., P.U.PRATHEESH KUMAR, NAVANEETH N.NATH, THARA JOHNSON,P.R.AJAY RESPONDENTS/COMPLAINANTS: 1 STATE OF KERALA, REPRESENTED BY THE S.I. OF POLICE, (CRIME NO. 285/15), MALAYINKEEZHU POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM -31. 2 ANEESH, AGED 35 YEARS, SADHANANDAN PILLAI, NEELA, HOUSE NO. 17/306, PERUKAVU JNANA PRAKASHAM ROAD, VILAVOOR VILLAGE 695 573. SRI. M P

PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 15 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 455 OF 2022 AGAINST THE ORDER SC 936/2021 OF FAST TRACK COURT FOR POCSO ACT CASES (ADDITIONAL SESSONS COURT) TIRUR PETITIONER/ACCUSED: XXXX AGED 26 YEARS X BY ADV P.SAMSUDIN RESPONDENTS/STATE AND DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. (CRIME NO.952/2020 OF PARAPPANANGADI POLICE STATION) 2 YYYY BY ADV M.ANUROOP,SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 16 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 533 OF 2022 CRIME NO.859/2021 OF PANOOR POLICE STATION PETITIONER/ACCUSED: HANSHAD,AGED 33 YEARS S/O.PACHAPPARAMBATH HAMSA, HASNA'S VAISHYARAVIDA, BYPASS ROAD, PANOOR, PANOOR (PO), KANNUR - 670 692. BY ADV CIBI THOMAS RESPONDENTS/STATE AND COMPLAINANT: 1 THE STATION HOUSE OFFICER PANOOR POLICE STATION, KANNUR, PIN - 670 692. 2 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,

ERNAKULAM - 682 031. 3 VICTIM X BY ADV G.PRATHAP CHANDRA,SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 17 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 521 OF 2021 CRIME NO.863/2020 OF PERINTHALAMANNA POLICE STATION PETITIONER/ACCUSED: MOHAMMED JABIN AGED 28 YEARS S/O.ABDUL SALAM, PUZHAKKAL HOUSE, PANDIKKAD P.O., MALAPPURAM, KERALA 676 521., NOW RESIDING AT BUILDING NO.3, DAHARAHAN STREET, AL MALAZ, RIYADH, SAUDI ARABIA, P.O., BOX 11564. BY ADV P.JINISH PAUL RESPONDENTS/STATE AND DEFACTO COMPLAINANT: 1 STATE OF KERALA REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031 2 XXX BY ADV NIRMAL V NAIR,SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 18 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 5690 OF 2021 AGAINST SC 661/2020 OF ADDL.DISTRICT SESSIONS FAST TRACK SPECIAL COURT(FOR POCSO CASES), KOZHIKODE

PETITIONER: NARAYANAN KEEZHAVIL, AGED 57 YEARS S/O.GOPALAN NAMBIAR, CHERIYATHODI HOUSE,

CHANIYAMKADAVU P.O., BADAKARA, KOZHIKODE DISTRICT-673 541. BY ADVS.KRISHNADAS P. NAIR M.RAJESH KUMAR RESPONDENT: 1 STATE OF KERALA,REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 THE SUB INSPECTOR OF POLICE, BADAKARA POLICE STATION, THRISSUR DISTRICT-680 310. 3 XXXX SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 19 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 1363 OF 2021 AGAINST SC 199/2018 OF PRINCIPAL ASSISTANT SESSIONS COURT,IRINJALAKUDA

PETITIONERS/ACCUSED NOS.1 TO 3: 1 X 2 XX 3 XXX BY ADVS.P.K.ANTONY SMT.NASEEBA K.T. RESPONDENTS/COMPLAINANTS: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, KOCHI 682 031. 2 THE SUB INSPECTOR OF POLICE, MATHILAKAM POLICE STATION, THRISSUR DISTRICT 680 685. 3 XXX BY ADV SAIJO HASSAN,SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 20 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945

CRL.MC NO. 1387 OF 2021 AGAINST SC 1426/2018 OF ADDITIONAL SESSIONS COURT (CASES RELATING TO THE ATROCITIES AND SEXUAL OFFENCES AGAINST WOMEN AND CHILDREN)THIRUVANANTHAPURAM PETITIONER/ACCUSED: YYY X BY ADV LATHEESH SEBASTIAN RESPONDENTS/STATE COMPLAINANT AND VICTIM: 1 STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031 2 STATION HOUSE OFFICER VIZHINJAM POLICE STATION, THIRUVANANTHAPURAM DISTRICT 695 521 3 XXX X BY ADV R.ARUN, SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 21 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 1439 OF 2021 CRIME NO.855/2020 OF PERINTHALMANNA POLICE STATION PETITIONER/ACCUSED: JABIN MOHAMMED AGED 28 YEARS S/O. ABDUL SALAM, PUZHAKKAL HOUSE, PANDIKKAD P.O., MALAPPURAM, KERALA-676521, NOW RESIDING AT BUILDING NO.3, DAHARAHAN STREET, AL MALAZ, RIYADH, SAUDI ARABIA, P.O.BOX -11564. BY ADV P.JINISH PAUL RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 XXX BY ADV NIRMAL V NAIR, SMT.T.V.NEEMA, SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 22 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 1607 OF 2021 CRIME NO.6/2020 OF KALAMASSERY POLICE STATION PETITIONER/ACCUSED:

1 YYY xxx HUSBAND OF THE VICTIM 2 FATHIMA T., @ THAMANNA FATHIMA, D/O RAZIYA, AGED 23 YEARS, THADAPARAMBIL HOUSE, ITHIKATTOOR, KOZHIKODE DISTRICT 3 AKHIL SURESH, S/O SURESH, AGED 23 YEARS, AKHIL BHAVAN, ADIMALY PO, ADIMALY, IDUKKI DISTRICT 4 VAISHAK BALACHANDRAN, SO BALACHANDRAN, AGED 23 YEARS, KIZHAKKETHIL HOUSE, CHIRAYIRAMBU, THOTTUPUZHASSERY, PATHANAMTHITTA DISTRICT. 5 ARYA S. D/O SADANANDAN, AGED 23 YEARS, PULITHOOKIL HOUSE, 200 a CRE, ADIMALY, IDUKKI DISTRICT BY ADV LATHEESH SEBASTIAN

RESPONDENTS/STATE/COMPLAINANT AND VICTIM: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682031. -: 23 :- 2 STATION HOUSE OFFICER, KALAMASSERRY POLICE STATION, ERNAKULAM DISTRICT 682021. 3 VICTIM X 4 XXX, FATHER OF THE VICTIM X BY ADV R.ARUN,SMT M.K.PUSHPALATHA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 24 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 1764 OF 2021 AGAINST SC 1043/2019 OF ADDITIONAL SESSIONS COURT (SPECIAL COURT FOR THE TRIAL OF OFFENCES UNDER POCSO ACT),MOOVATTUPUZHA PETITIONER/ACCUSED: SOBHANA,AGED 25 YEARS D/O. RAJAN,

VALIYAPARAMBU HOUSE, VANOORKARAYIL, ALATHUR, PALAKKAD DISTRICT. BY ADV P.SAMSUDIN RESPONDENTS/STATE & VICTIM: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 THE VICTIM IN CR.NO.1120/2019 OF PIRAVOM POLICE STATION IN ERNAKULAM DISTRICT. BY ADV M.O.PAULSON, SRI.M.P.PRASANTH, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 25 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 1834 OF 2021 CRIME NO.3403/2020 OF NEYYATTINKARA POLICE STATION PETITIONER/ACCUSED: ASILIDAS,AGED 27 YEARS S/O DASAYYAN, RESIDING AT CHIRATHALA VEEDU, VLANGAMURI, NEYYATTINKARA POST, NEYYATTINKARA VILLAGE, NEYYATTINKARA, PIN-695 121. BY ADVS. SEBASTIAN JOSEPH (KURISUMMOOTTIL) SRI.C.MOHANAN(THIRUPURAM) RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA THROUGH THE STATION HOUSE OFFICER, NEYYATTINKARA POLICE, STATION, NEYYATTINKARA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 030. 2 VICTIM XX BY ADV.SMT.M.K.PUSHPALATHA, SR PP. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 26 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 2321 OF 2021 AGAINST SC 368/2020 OF OF SPECIAL COURT FOR POCSO CASES, ERNAKULAM PETITIONER/ACCUSED: ANWAR SADIQ AGED 24 YEARS S/O. ABDUL RAHMAN, PATTANIVEETIL HOUSE, MALESWAMANGALAM P.O., THIRUVILWAMALA VILLAGE, THALAPPILLY TALUK, THRISSUR DISTRICT-680588. BY ADV E.A.HARIS RESPONDENTS/COMPLAINANT & DEFACTO COMPLAIANT (VICTIM): 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, -682031. 2 Y BY ADV T.JAYAN, SMT.SHEEBA THOMAS, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 27 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 3021 OF 2020 AGAINST SC 1032/2019 OF 1ST ADDITIONAL SESSIONS COURT, PALAKKAD PETITIONER/ACCUSED: MANIKANDAN M.,AGED 24 YEARS S/O.MUTHU, RESIDING AT ANGANAVADI LINE,NERUGAKADU MARUTHA ROAD, KALLEPULLY P.O. PALAKKAD 678 005. BY ADVS. T.C.SURESH MENON SRI.P.S.APPU RESPONDENTS/NOT PARTY/DEFACTO COMPLAINANT:

1 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 030. 2 SELVARAJ, S/O. PERUMAL, RESIDING AT DURGA LINE, PARAMBUTHARA, PUTHUR, PALAKKAD 678 001. 3 XXXX, D/O XXXX, RESIDING AT XXXX BY ADV AKHIL S.VISHNU, SMT.M.K.PUSHPALATHA, SR.PP THIS CRIMINAL MISC. CASE

HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 28 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 2759 OF 2021 SC NO.974/2017 OF FAST TRACK SPECIAL COURT (POCSO ACT) THRISSUR PETITIONER/ACCUSED NO.4.: MADHUSOODANAN AGED 49 YEARS S/O.KESAVAPANIKKER, KALARIKKAL HOUSE, PEROOR DESAM, LAKKIDI PEROOR, OTTAPALAM, PALAKKAD DISTRICT. BY ADVS. C.DHEERAJ RAJAN K.ANAND RESPONDENT/STATE/DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 (CRIME NO.1342/2014 OF PAZHAYANNUR POLICE STATION, THRISSUR DISTRICT). 2 XXXX BY ADV VISHNUPRASAD NAIR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 29 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 3213 OF 2021 SC NO.709/2020 OF THE FAST TRACT SPECIAL COURT (FTSC) FOR THE DISPOSAL OF CASES REGISTERED UNDER THE POCSO ACT, KOYILANDI

PETITIONER/DEFACTO COMPLAINANT: A A A BY ADV J.ABHILASH RESPONDENTS/STATE/ACCUSED 1 TO 5: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 VVV 3 WWW 4 XXX 5 YYY 6 ZZZ -

: 30 :- SMT.T.V.NEEMA, SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 31 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 2870 OF 2021 CRIME NO.211/2021 OF KUMBLA POLICE STATION, KASARAGODE PETITIONER/ACCUSED NOS.1 AND 2: 1 SHAMSUDDHIN P., AGED 46 YEARS, S/O.ABDUL RAHMAN.M., K.M.HOUSE, MOONNAM MILE, PULLUR, KASARAGODE, NOW RESIDING AT M.H.QUARTERS, MUTTOM, SHIRIYA, MANJESHWAR VIA, KASARAGODE-671 321. 2 AYISHA, AGED 50 YEARS, W/O.SHAMSUDHEEN, MH QUARTERS, MUTTOM, SHIRIYA, KASARAGODE-671 321. BY ADV T.G.RAJENDRAN RESPONDENT/COMPLAINANT & STATE: 1 THE STATION HOUSE OFFICER KUMBLA POLICE STATION, KASARAGOD DISTRICT-671 . 2 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. 3 XXX XXX BY ADV N.KRISHNA RAJA MAULI, SMT.M.K.PUSHPALATHA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 32 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 3482 OF 2021 AGAINST SC 126/2019 OF ADDITIONAL DISTRICT AND SESSIONS JUDGE I KASARAGOD PETITIONERS/ACCUSED NOS.1 TO 3: 1 MOHAMMED SIRAJ

.P,AGED 26 YEARS S/O. ABDUL RAHIMAN, R/AT PALAGAMOOLA HOUSE, KUMBDAJE, YETHADKA P.O., KASARAGOD-671 551. 2 BADRUDDEEN,AGED 27 YEARS S/O. UMMER, R/AT KARKKADAGOLI HOUSE, KUMBDAJE, YETHADKA P.O., KASARAGOD-671 551. 3 SULFIKAR D,AGED 27 YEARS S/O. ABDULLA G, R/AT GANDITHADKA HOUSE, KUMBDAJE, YETHADKA P.O., KASARAGOD-671 551. BY ADV MUHAMMED YASIL

RESPONDENTS/STATE OF KERALA AND DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 018. 2 MISS.XXX 3 MISS.YYY -: 33 :- 4 MISS.ZZZ 5 STATION HOUSE OFFICER (CRIME NO.353 OF 2016), BADIADKA POLICE STATION, KASARAGOD DISTRICT-671 551. BY ADV JACKSON JOHNY,SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 34 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 4206 OF 2019 CRIME NO.1045/2019 OF POONTHURA POLICE STATION PETITIONER/ACCUSED: PRAVEEN KUMAR P. AGED 45 YEARS S/O. VASUDEVAN V.I. VILLA, PARAPRAM P.O., PINARAYI. BY ADV CIBI THOMAS RESPONDENTS/STATE AND COMPLAINANT: 1 THE STATION HOUSE OFFICER POONTHURA POLICE STATION, THIRUVANANTHAPURAM 695 026. 2 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 3 VICTIM SMT M.K.PUSHPALATHA, SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE

SAME DAY PASSED THE FOLLOWING: -: 35 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 3652 OF 2021 SC NO.1181/2018 OF THE FAST TRACK SPECIAL COURT, NEYYANTINKARA PETITIONER/2ND ACCUSED: XXXX BY ADV P.M.SHAHIDA RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682031. 2 XXXX BY ADV S.SOUMYA ISSAC, SMT.M.K.PUSHPALATHA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 36 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 4771 OF 2021 ST NO.69/20221 OF THE JUVENILE JUSTICE BOARD, MALAPPURAM PETITIONER/ACCUSED: MUHAMMED SHAHUL, AGED 21 YEARS S/O. ISMAIL, RESIDING AT OSSANVEETTIL HOUSE, ALAMKODU P.O., KAKKIDIPPURAM PONNANI, TIRUR TALUK, MALAPPURAM DISTRICT 679 585. BY ADVS. J.R.PREM NAVAZ SUMEEN S. RESPONDENT/STATE: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM DISTRICT 682 031. 2 XXX X BY ADV AJOY VENU, SMT T .V.NEEMA SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 37 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 4931 OF 2021 AGAINST CP 6/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS I,PEERUMEDU PETITIONER/ACCUSED: XXXXX X BY ADVS. RAJEE P MATHEWS BINDU MOHAN RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 YY 3 ZZ BY ADVS.SMT T .V.NEEMA SR PP VIJAY SANKAR V.H. AISWARYA E J VETTIKOMPIL THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 38 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 5734 OF 2021 CRIME NO.1053/2021 OF VADAKKANCHERRY POLICE STATION PETITIONER/ACCUSED: XXXXX BY ADV V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENTS/DEFACTO COMPLAINANT AND STATE: 1 VICTIM 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. BY ADV UNNI SEBASTIAN KAPPEN, SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 39 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 5531 OF 2020 CRIME NO.1968/2020 OF MALAYINKEEZHU POLICE STATION PETITIONER/ACCUSED: SIVAN .R @ SIVAN RAJAN AGED 40 YEARS S/O.RAJAN, SIVARAMAN IYER BHAVAN, CHAYAM, VITHURA P.O., THOLIKODE VILLAGE, NEDUMANGAD, THIRUVANANTHAPURAM. BY ADV LATHEESH SEBASTIAN RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 STATION HOUSE OFFICER, MALAYINKEEZHU POLICE STATION, THIRUVANANTHAPURAM DISTRICT-695571. 3 VICTIM, XXXX BY ADV R.ARUN, SMT.T.V.NEEMA, SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 40 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 6038 OF 2021 AGAINST SC 412/2021 OF FAST TRACK SPECIAL COURT, ALUVA PETITIONER/ACCUSED: ANEESH AGED 31 YEARS S/O KUMARAN, MALAYAMTHURUTHI HOUSE, KUNNU BHAGAM, ELAVOOR KARA, KARUKUTTY VILLAGE, KARUKUTTY P.O.ALUVA TALUK, ERNAKULAM DISTRICT, PIN-683 576 BY ADV P.SHAIJAN JOSEPH RESPONDENTS/COMPLAIANT/STATE: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 STATION HOUSE OFFICER ANGAMALY POLICE STATION, ANGAMALY P.O.ALUVA TALUK, PIN-683 578 3 XXX BY ADV K.K.AJI KUMAR, SRI. M P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED

CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 41 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 5765 OF 2020 AGAINST SC 717/2019 OF 1ST ADDITIONAL SESSIONS COUERT, THRISSUR PETITIONER/ACCUSED: XXX AGED 22 YEARS X BY ADV ABRAHAM MATHAN RESPONDENTS/VICTIM/DEFACTO COMPLAINANT AND STATE: 1 XXX 2 XXX 3 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 4 THE STATION HOUSE OFFICER KODAKARA POLICE STATION, KODAKARA - 680 684. BY ADV SRI.K.ANAND, SMT.M.K.PUSHAPALATHA, SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 42 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 6327 OF 2021 AGAINST CP 102/2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS- I ,TIRUR PETITIONER/ACCUSED: MUKESH V.P.AGED 33 YEARS S/O. GANESHAN.V.P., VENGAPPARAMBIL HOUSE, THIRUMITTAKODE POST, DUBAI ROAD, RAYAMANGALAM , KOOTYUPATHA, PATTAMBI, PALAKKAD DISTRICT-679 533 BY ADVS.S.K.PREMJITH MENON BINU V V VEETTIL VALAPPIL RESPONDENTS/STATE AND DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE, TIRUR POLICE STATION, MALAPPURAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM-682 031 2 XXXX VICTIM IN CASE NO.364/18 ON THE FILE OF TIRUR POLICE STATION BY ADV MANEKSHA D., SMT.T.V.NEEMA SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 43 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 6299 OF 2021 AGAINST SC 544/2018 OF ADDITIONAL SPECIAL COURT (POCSO), MUVATTUPUZHA

PETITIONER/SOLE ACCUSED: BIPIN P. K.AGED 26 YEARS S/O. KUNJAPPAN, PANIKKARUKUDIYIL HOUSE, PEZHAKKAPPILLI KARA, PUNNOPPADY, MULAVOOR VILLAGE, ERNAKULAM DISTRICT. BY ADV T.A.UNNIKRISHNAN RESPONDENTS/STATE, DEFACTO COMPLAINANT AND INFORMANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 XXXXX 3 XXXXX BY ADV K.K.AKHIL,SMT.T.V.NEEMA, SR PP. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 44 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 6430 OF 2021 CRIME NO.863/2021 OF KATHIROOR POLICE STATION PETITIONER/DE FACTO COMPLAINANT: XXX AGED 44 YEARS XXX BY ADVS. C.HARIKUMAR T.B.PRASANNAN SANDRA SUNNY ARUN KUMAR M.A RESPONDENTS/STATE AND

ACCUSED: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 PREMJITH V ALIAS JITHU AGED 49 YEARS S/O LATE VASU P K, VASUDEVAN HOUSE, PONNIAM WEST P O, SARAMBI, KANNUR-670641. BY ADV P.N.SUKUMARAN, SRI.M.P.PRASANTH, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 45 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 6550 OF 2018 AGAINST LP 45/2016 OF PRINCIPAL SESSIONS COURT,MANJERI PETITIONER/ACCUSED: MUHAMMED ASLAM, AGED 27 YEARS S/O SAIDALAVI KOYA, KALLUPARAMBAN HOUSE, KC ROAD, TIRURANGADI, MALAPPURAM DISTRICT BY ADV R.RANJITH (MANJERI) RESPONDENTS/STATE, DEFACTO COMPLAINANT:

1 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR , HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682031- FOR THE SUB INSPECTOR OF POLICE, TIRURANGADI POLICE STATION, MALAPPURAM DISTRICT 676001 2 RAJAN, S/O PREMAN,AGED 40 YEARS, KOLATHAYI HOUSE, KAKKAD P.O, TIRURANGADI VILLAGE, TIRURANGADI TALUK, MALAPPURAM DISTRICT. 3 SHANTHI, W/O RAJESH,AGED 37 YEARS,KOLATHAYI HOUSE, KAKKAD P.O, TIRURANGADI VILLAGE, TIRURANGADI TALUK, MALAPPURAM DISTRICT. BY ADV A.P.NIDHIN KUMAR, SRI.M.P.PRASANTH, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION

ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 46 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 6564 OF 2021 CRIME NO.244/2020 OF VALIATHURA POLICE STATION PETITIONER/ACCUSED: XXX X BY ADV M.RAJESH RESPONDENTS/COMPLAINANTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 THE STATION HOUSE OFFICER VALIATHURA POLICE STATION, THIRUVANANTHAPURAM- 695008. 3 XXX X BY ADV G.GOPAKUMAR (KOLLAM) SRI.M.P.PRASANTH, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 47 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 6718 OF 2021 CRIME NO.729/2021 OF KOZHIKODE TOWN POLICE STATION PETITIONER/ACCUSED: XXXXX X BY ADV SHARAN SHAHIER RESPONDENTS/STATE AND DEFACTO COMPLAINANT: 1 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. 2 YYY Y BY ADVS. V.JOHN SEBASTIAN RALPH VISHNU CHANDRAN RALPH RETI JOHN APPU BABU SHIFNA MUHAMMED SHUKKUR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED

THE FOLLOWING: -: 48 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 7885 OF 2019 CRIME NO.56/2019 OF AREAKKODE POLICE STATION PETITIONERS/ACCUSED: 1 LITHIN V.S., AGED 24 YEARS S/O.SUKUMARAN, KUNNUMMAL HOUSE, VADAKKUMURI, URGATTIRI, AREAKKODE, MALAPPURAM DISTRICT. 2 SUKUMARAN, AGED 64 YEARS KUNNUMMAL HOUSE, VADAKKUMURI, URGATTIRI, AREAKKODE, MALAPPURAM DISTRICT. BY ADV P.SAMSUDIN RESPONDENTS/STATE, DEFACTO COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031 (IN CRIME NO.56/2019 AREAKKODE POLICE STATION). 2 VICTIM X BY ADVS.SR PUBLIC PROSECUTOR SMT.T.V.NEEMA BINU V V VEETTIL VALAPPIL THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 49 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 7984 OF 2019 CRIME NO.661/2018 OF IRINJALAKUDA POLICE STATION PETITIONER/ACCUSED: ABHILASH JOHN AGED 21 YEARS S/O.JOHN, ARIKKATT HOUSE, CHAKKRAM GARDEN, MADAYIKONAM VILLAGE, MAPRANAM DESOM, IRINJALAKUDA, MUKUNDAPURAM TALUK, THRISSUR. BY ADVS. C.RAJENDRAN SRI.B.K.GOPALAKRISHNAN RESPONDENTS/STATE & 2ND RESPONDENT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-

682031. 2 VICTIM, BY ADVS. SRI.M.P.PRASANTH, PP SRI.V.BINOY RAM THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 50 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 8810 OF 2019 AGAINST SC 907/2018 OF ADDITIONAL SESSIONS COURT (FOR THE TRIAL OF CASES RELATING TO SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN) KOZHIKODE

PETITIONER/ACCUSED: RAGESH, AGED 30 YEARS S/O. BALAKRISHNAN, PAVATTUPURACKAL HOUSE, KAVIL P. O., NADUVANNOOR, KOZHIKODE. BY ADV M.J.SANTHOSH RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE, THAMARASSERY POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 VICTIM, BY ADV FRANCIS.M.KURIAN, SRI.M.P.PRASANTH, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 51 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 24TH DAY OF MAY 2023 / 3RD JYAISHTA, 1945 CRL.MC NO. 5288 OF 2022 CRIME NO.1420/2021 OF ERNAKULAM TOWN NORTH POLICE STATION PETITIONERS/ACCUSED NOS.1 TO 3: 1 XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX 2 XXXXXXXXXX

XXXXXXXXXX XXXXXXXXXX 3 XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX BY ADVS.M.T.SURESHKUMAR SHRI.R.RANJITH,SC,KOOVAPPADY GRAMA PANCH SMITHA PHILIPOSE,P.R.JAYASANKAR MANJUSHA K, SREELAKSHMI SABU RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX BY ADVS.JOSE ANTONY THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.05.2023, ALONG WITH Crl.MC.5076/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -: 52 :- C.R.

O R D E R

Dated this the 24th day of May, 2023 Can criminal proceedings involving non-compoundable sexual offences against women and children be quashed upon a compromise between the accused and the victim, invoking section 482 of the Code of Criminal Procedure? - this is the common issue that falls into consideration in these bunch of cases.

2. The petitioners in all cases are the accused involved in

sexual offences either under Chapter XVI of the Indian Penal Code (for short IPC) or under Chapter II of the Protection of Children from Sexual Offences Act, 2012 (for short POCSO Act) or both. All of them seek to quash the proceedings on the ground of settlement with the victim.

3. Since there were divergent views on the subject by the

Apex Court and High Courts across the country, I have directed the Counsel for the petitioners as well as the Public Prosecutors to address arguments in detail. -: 53 :-

4. Heard the learned counsel for the petitioners and the learned Public Prosecutors in extenso.

5. The learned Counsel for the petitioners submitted that

High Court possesses inherent jurisdiction under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C') to annul an FIR or criminal proceeding in appropriate cases where the offender and the victim have settled their dispute notwithstanding the fact that the offence involved is a sexual offence against women or children. The learned counsel further submitted that when the matter has been amicably settled, the victim would not support the prosecution case, and the possibility of conviction would be bleak. The continuation of proceedings, in such circumstances, would be a sheer waste of precious judicial time and public money, submitted the Counsel. Per contra, the learned Public Prosecutors submitted that rape or sexual offence against women

or children is a heinous crime against society, and any compromise between the victim and the offender in relation to such an offence could not ordinarily provide for any basis for quashing the criminal proceedings in exercise of the wholesome power of the High Court under section 482 of Cr.P.C. They further -: 54 :-

submitted that compromises legalise rape and offer an escape route to the perpetrators. However, they fairly concurred with the view expressed by this court that there cannot be total embargo in exercising the extraordinary power vested with this court under section 482 of Cr.P.C. to quash criminal proceedings based on the settlement between the accused and the sexual assault victim in suitable cases to do complete justice to them. The learned Public Prosecutors added that in all the cases, enquiry was conducted

through respective investigating officers regarding the genuineness of the settlement and the statement of the victims was also recorded wherein they admitted that the matter was amicably settled.

6. Compounding in the context of criminal law means

forbearance from prosecution because of an amicable settlement between the parties. Section 320 is the only statutory provision in Cr.P.C. for compounding the offence. It classifies the offences which are simply compoundable and

compoundable with the permission of the Court [S.320(1) and S.320(2)]. The lawmakers never thought of incorporating any specific provision in Cr.P.C. for compounding an offence other than the offences mentioned in

-: 55 :- sections 320(1) and 320(2). There may be cases where the victim is prepared to condone the offensive conduct of the accused, who became chastened and repentant even though the offence charged is non-compoundable. The criminal law administered in the country is not attuned to take note of such situations and to

provide a remedy to terminate the criminal proceedings. However, through judicial intervention, the Apex Court found a solution in cases where accusations are non-bailable and non- compoundable, holding that recourse to inherent powers under section 482 of Cr.P.C. would be permissible even in non- compoundable offences for quashing criminal proceedings.

7. The scope of power exercisable under section 482 of

Cr.P.C. when a prayer is made for quashing criminal proceedings involving non-compoundable offences on account of settlement between the parties came up for consideration before the Apex Court initially in Joshi v. State of Haryana1. Describing the scope of inherent powers, it was held that section 320 of Cr. P.C does not limit or control the exercise of powers vested in the Court under section 482 of Cr.P.C., and the Court would have the power to 1AIR 2003 SC 1386

-: 56 :-

quash criminal proceedings or an FIR under the exercise of powers under section 482 even if the offence was non- compoundable under section 320 of Cr.P.C. The Apex Court drew a distinction between compounding an offence as permitted under section 320 of Cr.P.C and quashing the complaint or criminal proceedings under section 482 of Cr.P.C. as also Article 226 of the Constitution of India and held that the power of the High Court under section 482 of Cr.P.C to quash criminal proceedings or FIR was not circumscribed by section 320 of Cr.P.C. To the same effect was the decision in Nikhil Merchant v. Central Bureau of

Investigation2, where relying upon the decision in Joshi (supra), the Apex Court took note of the settlement arrived at between the parties and quashed the criminal

proceedings involving non-compoundable offences. It was held

that since the criminal proceedings had the overtone of a civil dispute which have been amicably settled between the parties, it was a fit case where technicality should not be allowed to stand in the way of quashing the criminal proceedings since the continuance of the same after the compromise arrived at 2AIR 2009 SC 428

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between the parties would be a futile exercise. In Manoj Sharma v. State3 also, the Apex Court took the view that once the disputes are settled between the parties amicably, High Court cannot refuse to exercise the jurisdiction either under section 482 of Cr.P.C or under Article 226 of the Constitution of India to quash the criminal proceedings even if the offence involved is non- compoundable. In Gian Singh v. State of Punjab4, the two-Judge Bench of the Apex Court doubted the correctness of the above three decisions and referred the question as regards the permissibility of indirectly permitting compounding of non- compoundable offences recoursing to section 482 of Cr.P.C. to a larger Bench. Finally, the issue was settled by a three-Judge Bench in Gian Singh v. State of Punjab5. The Apex Court explaining that the High Court has inherent power under section 482 of Cr.P.C with no statutory limitation, including section 320 of Cr.P.C., has held that these powers are to be exercised to secure the ends of justice or to prevent abuse of process of any Court, and these powers can be exercised to quash criminal proceedings or 32008 (4) KLT 417 (SC) 4(2010) 15 SCC 118 5(2012) 10 SCC 303

-: 58 :-

complaint or FIR in appropriate cases where offender and victim have settled their dispute. However, it also observed that the Court must have due regard to the nature and gravity of the crime and criminal proceedings in heinous and serious

offences or offences like murder, rape, dacoity etc., should not be quashed despite the victim or victim's family have settled the dispute with the offender. The jurisdiction vested in High Court under section 482 of Cr. P.C was held to be exercisable for quashing criminal proceedings in cases having overwhelming and predominantly civil flavour, particularly offences arising from a commercial, financial, mercantile, civil partnership or such like transactions, or even offences arising out of matrimony relating to dowry etc., family dispute or other such disputes where wrong is basically private or personal in nature where parties mutually resolve their dispute amicably. It was also held that no category or cases for this purpose could be prescribed, and each case has to be dealt with on its own merit. Later, in Narinder Singh and Others v. State of Punjab and Others6 , the Apex Court summed up and laid down principles by which the High Court would be guided in giving 6(2014) 6 SCC 466

adequate treatment to the settlement between the parties and exercise its power under section 482 of Cr.P.C. while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceedings. It was reiterated that such a power is not to be exercised in prosecutions which involve heinous and serious offences like murder, rape, dacoity etc. Nonetheless, it would be

advantageous to refer to paragraphs 26 and 29.6 of the judgment

above, wherein the Apex Court has held thus:

> 26. Having said so, we would hasten to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/victim, at the same time the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 IPC as well. Therefore, only because FIR/Charge-sheet

incorporates the provision of Section 307 IPC would not, by itself, be a ground to reject the petition under section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury -: 60 :- sustained, the portion of the bodies where the injuries were inflicted (namely whether injuries are caused at the vital/delicate parts of the body) and the nature of weapons used etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 IPC, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 IPC were unnecessary included in the charge sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the -: 61 :- vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case

> it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

The above dictum, thus, makes it clear that the Court cannot decline to quash the FIR or chargesheet merely because it contains a particular provision which is a serious offence or an offence against the society. The Court must endeavour to find out whether the FIR or charge sheet indeed discloses the ingredients of such an offence and that the Court can accept the settlement and quash the proceedings if it is of the opinion that such an offence is unnecessarily incorporated in the charge sheet. The correctness of the above decision was doubted and referred to a larger Bench. A three-Judge Bench of the Apex Court in State of

-: 62 :- Madhya Pradesh v. Laxmi Narayan and Others7 approved the decision in Narinder Singh (supra).

8. The offence involved in Joshi (supra), Nikhil Merchant

(supra), Manoj Sharma (supra), Gian Singh (supra), Narinder Singh (supra) or Laxmi Narayan (supra) is not rape or any other sexual offence against women or children. The specific question whether section 482 of Cr.P.C. could be invoked to quash a criminal case involving non compoundable sexual offences against women and children after a compromise entered between the accused and the sexual assault victim came up for consideration before the Apex Court and various High Courts.

9. The High Court of Kerala in Sebastian @ Solly v. State

of Kerala and Another8 held that cases involving offence under section 376 of IPC are not fit for the exercise of discretion under the extraordinary power of the High Court invoking section 482 of Cr.P.C. on the ground of settlement between the accused and the prosecutrix. The High Court of Allahabad in Rajesh Kumar and

Others v. State of Uttar Pradesh and Another9 held that any 7(2019) 5 SCC 688 82015(1) KLJ 384 92021 KHC 2312 -: 63 :- compromise between the victim and the offender in relation to an offence of rape could not provide for any basis for quashing the

criminal proceedings. The High Court of Delhi in Swatantra Kumar

Jaysawal v. State and Another10 refused to quash a criminal proceeding involving an offence of rape based on a settlement between the accused and the victim holding that rape is a crime against society. It was observed that their subsequent marriage would not waive off the offence. The High Court of Punjab and Haryana in Nardeep Singh Cheema @ Navdeep Singh Cheema v. State of Punjab and others11 and Kerala in Rahul P.R. and Another

v. State of Kerala and Another12 took the similar view and held

that offence under the POCSO Act cannot be quashed based on the compromise or matrimony between the accused and the prosecutrix. The High Court of Gauhati in Limhathung v. State of Nagaland13 did not accept the compromise entered between the parents of the victim and the accused, holding that the parent could not give consent to compromise sexual offences against minors. In a proceeding under sections 377 of IPC and 5(1) and 6 10 2022 SCC 0nLine Del.30 11CRM-M-2270-2020, decided on 07.09.2022. 122021(5) KHC 284 13Cr. Rev. No. 5 of 2021, decided on 24.03.2022.

-: 64 :- of the POCSO Act, the High Court of Kerala in Usman and Another v. State of Kerala and Another14, held that High Court could not concede to the plea of quashing criminal proceedings solely on the ground of settlement between the parties.

10. In almost all the above decisions, the respective High

Courts heavily relied on the decisions of the Apex Court in Shimbhu & Another v. State of Haryana15 and State of Madhya Pradesh v. Madan Lal16 to conclude that grave and serious offences like rape under section 376 of IPC or sexual offence

against children under the POCSO Act cannot be quashed on the

ground of compromise. In Shimbhu (supra), the Apex Court held

that rape is an offence against society and, thus, not a matter that should be left to the parties to negotiate and settle. In Madan Lal (supra), it was held that in case of rape or attempt of rape, there could be no compromise between the accused and the victim legally.

11. In Shimbhu (supra), the accused persons abducted the victim girl at knifepoint, confined her in their shop for two days 14 2021 (3) KHC 390 15 AIR 2014 SC 739 16AIR 2015 SC 3003 -: 65 :-

and gang-raped her, taking turn. The Trial Court convicted and sentenced them to undergo ten years of rigorous imprisonment, which was confirmed in appeals by the High Court. The accused preferred appeals by way of special leave at the Apex Court. During the pendency of the appeals, the parties (the accused and the victim) compromised the matter, and the victim produced an affidavit mentioning the settlement. The accused prayed for the reduction of sentence to the period already undergone based on the settlement. The Apex Court rejected the plea and held that the compromise could not be construed as a leading factor to award lesser punishment. While holding so, it was observed that rape is an offence against society and not a matter to be left for the parties to compromise and settle. In fact, the said case did not involve an issue regarding the power of the High Court under section 482 of Cr.P.C. to quash a proceeding on the basis of compromise between the accused and the sexual assault victim but was a case wherein the accused were convicted for the offence under section 376 IPC for rape, and the compromise was highlighted at the Apex Court as a plea for reduction of the sentence as provided under the proviso of S.376(2) of IPC.

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In Madan Lal (supra), the Apex Court was hearing an appeal filed by the State against the judgment of the High Court by which the conviction arrived at by the trial Court was set aside based on a compromise arrived at between the victim and

the accused. There the accused tricked the victim aged seven years, and then raped her. Later the mother lodged the F.I.R. The trial Court convicted the accused under section 376(2) (f) of IPC. The High Court converted the conviction to one under section 354 of IPC and confined the sentence to the period of custody already undergone taking note of the settlement. It was under that circumstances the Apex Court held that there could be no compromise between the accused and the victim legally.

12. Though in Shimbhu (supra) and Madan Lal (supra), the

Apex Court took the view that rape being a grave and serious offence against society cannot be the subject matter of compromise, it, as well as various High Courts, in several subsequent decisions, quashed the proceedings under section 376 of IPC and the POCSO Act for justifiable reasons by exercising inherent powers under section 482 of Cr. P.C.

-: 67 :-

13. The Apex Court in Saju P.R. v. State of Kerala17,

quashed a rape case on the ground of settlement between the accused and the victim for doing complete justice to the parties concerned. In Anand D.V. v. State and Another18 , the Apex Court allowed the compromise and quashed the proceedings for rape on the ground that the accused married the victim. The crime therein was registered against the accused on the complaint of the victim for offences under sections 376 and 380 IPC, alleging that the accused, by giving a false promise of marriage, had sexual intercourse with her, but the promise was not honoured. However, after the registration of the FIR, both got married, and

they approached the High Court of Delhi, seeking to quash the

proceedings invoking section 482 of Cr.P.C read with Article 226 of the Constitution of India. The High Court dismissed their plea, and therefore, both preferred separate appeals at the Apex Court.

The Apex Court allowed the appeals and quashed the proceedings holding that the parties were happily married. In Jatin Agarwal v. State of Telangana & Another 19, a similar rape 17 Criminal Appeal No. 1740 of 2019, decided on 22.11.2019. 18 Criminal Appeal Nos. 394-395 of 2021, decided on 12.04.2021. 19Criminal Appeal No.456 of 2022, decided on 21.03.2022.

-: 68 :- case was quashed as the victim got married to the accused. That was a case where an FIR was lodged against the accused by the victim for offences under Sections 417, 420, and 376 IPC alleging that on the promise to marry, the accused made a physical relationship with her, but he withdrew from the promise and

refused to marry her. However, later, both got married and therefore, they moved to the High Court of Telangana, seeking the quashing of the FIR. The High Court dismissed their plea to quash the FIR, and therefore, they moved to the Apex Court. The Apex Court accepted the settlement, allowed the appeal, and quashed the FIR, exercising its powers under Article 142 of the Constitution of India, observing that it was necessary to do complete justice to the parties. In K. Dhandapani v. The State by the Inspector of Police20, the Apex Court set aside the conviction and sentence of an accused who raped his own niece and later married her. The accused was working as a woodcutter on daily wages in a private factory. An FIR was lodged against him for committing rape on his niece on a false promise of marriage under Section 5(j)(ii) read with Section 6, 5(l) read with Sections 6 20 Cr. A. No.796 of 2022, decided on 09.05.2022.

-: 69 :- and 5(n) read with Section 6 of the POCSO Act. The trial Court

convicted and sentenced him to ten years of rigorous imprisonment, which the High Court upheld. Aggrieved thereby, the accused approached the Apex Court. The accused submitted that since he has, in fact, married the prosecutrix and they have two children, it would not be in the interest of justice to disturb their family life. The State opposed the grant of any relief to the accused, contending that the prosecutrix was aged 14 years on the date of the offence and that the marriage might only be for the purpose of escaping punishment. The Court taking note of the custom in Tamilnadu, which permits the marriage of a girl with her maternal

uncle, and the statement of the prosecutrix that she is leading a happy married life with the appellant, set aside the conviction observing that This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. However, as a note of caution, the Court added that in the peculiar facts of the case, it should not be treated as a precedent. Recently in Kapil Gupta v. State of NCT of Delhi & Another21, the Apex Court quashed the FIR registered 21 (2022) SCC OnLine SC 1030

-: 70 :- under section 376 of IPC as the matter was amicably settled between the accused and the victim holding that though ordinarily, cases under Section 376 of IPC should not be quashed, the Court is not powerless in exercising the extraordinary jurisdiction to quash the proceedings in the facts and circumstances of a particular case. It was further held that while exercising the power, the Court has also to take into consideration whether the settlement between the parties is going to result in harmony between them, which may improve their mutual relationship and the stage of the proceedings. The Apex Court was hearing an appeal challenging the judgment of

the High Court of Delhi dismissing the application filed by the

victim for quashing the proceedings under section 376 of IPC invoking section 482 of Cr.P.C. While allowing the appeal, the Apex Court observed that since the victim herself is not supporting the prosecution case, even if the trial is allowed to go ahead, it will end in nothing else than an acquittal and if the request for quashing is not allowed, it will amount to adding one more criminal case to the already overburdened criminal courts.

14. The High Court of Karnataka in Sathish K. and Others v. -: 71 :-

State of Karnataka22 held that an offence under Section 376 IPC can be permitted to be compounded, in specific circumstances, which includes a situation where the closure of such a case would promote the family life of the complainant and the accused. The Punjab and Haryana High Court in Chandan Paswan v. State of Punjab and Another23 quashed the proceedings for rape on the ground that the

matter had been compromised and the accused married the victim. In Ashiq v. State of Kerala24, where the

accused and victim settled the disputes and married subsequently, the High Court of Kerala in the exercise of the extraordinary inherent powers under section 482 of the Cr.P.C. quashed the proceedings for the purpose of welfare of the victim. In Md. Jahirul Maulana v. State of Assam25, the High Court of Gauhati quashed criminal proceedings against a rape accused who married the victim holding that chances of conviction in the case are bleak in view of the compromise between the parties and marriage. It was observed that: the ends of justice will demand that they should be left at their will and their otherwise 22 2022 LiveLaw (Kar) 178 23 CRM-M-12854 of 2021 decided on 13.04.2023. 242019(2) KLT 1130 25Criminal Petition No.234/2016, decided on 12.07.2016.

happy marital life should not be allowed to be disturbed by the interfering clouds of litigations looming over their heads. The High Court of Andhra Pradesh in Gokada Suresh v. State of Andhra Pradesh 26 held that the offence under section 376 of IPC can be compounded to promote the family life of the complainant and accused. In Vijaya Kumar v. State27, the High Court of Karnataka held that though the offences are punishable under Section 376 of IPC and the provisions of POCSO Act, since the parties have settled the dispute and the accused and the victim are living together, the petition filed under Section 482 of Cr.P.C., needs to be allowed and the proceedings have to be

quashed. The High Court of Delhi in Arshad Ahmad & Others v.

State of NCT of Delhi28 while quashing an FIR for the offence of rape and cruelty by a woman against her father-in-law and others has said that quashing of FIR in matrimonial offences is welcome as it shows that parties have decided to put an end to the dispute as well as the misery. The High Court of Meghalaya in Shri. Skhemborlang Suting & Another v. State of Meghalaya & 26Criminal Petition No.105 of 2023, decided on 04.01. 2023. 27Crimiinal Petition No. 136/2020,

decided on 08.01.2020. 28WP (Crl). 1185 of 2022 & Crl. M.A. 10056 of 2022, decided on 02.06.2022.

-: 73 :- Another29 quashed the case against a man under the POCSO Act, 2012, for marrying a 16-year-old girl, observing that it would be an injustice to separate a well-knitted family unit. Taking note

of the unique facts and circumstances of the case, the court held

that allowing prosecution would only result in the breakdown of a happy family relationship and the possible consequence of the wife having to take care of a baby with no support, physically or financially from her husband who may be languishing in jail. In

Kundan & Another v. State & Others30, the High Court of Delhi

quashed a similar FIR, considering that the life of the husband, wife, and child would be ruined. As did the High Court of Bombay in Nauman Suleman Khan v. State of Maharashtra31, recently, quashing an FIR under POCSO Act for penetrative sexual assault after the victim, who on attaining majority, said that she and the accused were in love and are now to be married, and the accused gave the undertaking to marry her. The court accepted the same, considering the accused and the victims future and in the interest of a peaceful life. The High Court of 29Crl. Petn. No. 63 of 2021, decided on 23.03.2022. 30Crl.M.C.No. 27/2022, decided on 21.02.2022. 31(2022) SCC OnLine Bom. 1148

-: 74 :-

Punjab and Haryana in Pankaj @ Sikandar Kumar v. State of Ut Chandigarh and Another32 quashed an FIR registered under section 376 of IPC and section 6 of the POCSO Act honouring the agreement between the accused and the victim that they would solemnize their marriage as soon as the latter attains the age of marriage. In Manga Singh v. State of Punjab and Others33, the High Court of Punjab and Haryana quashed the proceedings based on a compromise for the reason that the prosecutrix had solemnized marriage with the accused prior to the

registration of the FIR, a child was born in that wedlock, and they were living in peace and harmony. The High Court of Kerala in Freddy @ Antony Francis and Another v. State of Kerala and Another34 and in Denu P. Thampi v. Ms. X35 quashed the criminal proceedings involving sexual offence under IPC and the POCSO Act, where the accused is alleged to have committed sexual assault on the victim on the false promise of marriage, on the ground that they subsequently married and settled the dispute. It was held that since the accused and the victim are now residing as husband and wife, it 32 CRM - M No. 47266 of 2019, decided on 05.03.2020. 33 Criminal Misc. No.M.19131/2016, decided on 01.05.2018. 342017 KHC 344 352019 (2) KLT 996

-: 75 :- would be in their welfare to quash the proceedings. A similar view was taken by the High Courts of Bombay 36, Uttarakhand37 and Punjab and Haryana38.

15. The inherent power given to the High Court under

section 482 of Cr.P.C. is with the purpose and object of advancement of justice. The touchstone for exercising that power would be to secure the ends of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered in accordance with the laws enacted by the legislature. The concept of justice is elastic and imprescriptible. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a

case, may instead lead to grave injustice. Nonetheless, such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) the Nature and effect of the offence on the consciousness of the 36 Swapnil Digambar Patil v. The State of Maharashtra and Another (Criminal Application No. 52/2021, decided on 03.01.2022) 37Rahul v. State of Uttarakhand (Criminal Misc. Application 249/2020, decided on 20.02.2020) 38 Lovely v. State of Punjab and Another (CRM-M-3577-2018, decided on 09.03.2018)

-: 76 :- society; (ii) the Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence or other relevant considerations 39.

16. From the precedents and law on the subject

enunciated above, it can be concluded that though the High Court should not normally interfere with the investigation/ criminal proceedings involving sexual offences against women and children only on the ground of settlement, it is not completely foreclosed in exercising its extraordinary power under section 482 of Cr. P.C or Article 226 of the Constitution of India to quash such proceedings in extraordinary circumstances to do complete justice to the parties. However, it is always a difficult task for the Court to identify the so-called extraordinary circumstance. The interest of the victim and the societal interest often clash, making the job of Courts more complex. The issue must be considered from different perspectives, the pros and cons must be weighed, and a rational view must be taken. A holistic approach is called for in identifying the cases fit for 39 See Ramgopal v. State of Madya Pradesh [2021 (5) KLT 601 (SC)]

-: 77 :- compromise.

17. Out of the bunch of cases, many of them related to

prosecution for sexual assault on a false promise of marriage. In those cases, the alleged sexual act was admittedly consensual, but according to the victim, consent was obtained by the accused on a false promise to marry. It was alleged that any consent given under misconception of fact is vitiated, and therefore the act

becomes an act without consent, thereby making it rape. In some cases, the promise was not honoured, and in a few cases, the promise was honoured subsequently, and the victim and the accused got married after the registration of the FIR. In few other cases, the married woman indulged in consensual sex with a man, or an unmarried woman indulged in sex with a married man knowing that he was married after making a promise of marriage. There are also cases where the

victim came forward to quash the proceedings with the pleas that she agreed to have sexual intercourse on account of her love and passion for the accused and not solely on account of the misconception created by the accused or where an accused, on account of circumstances which he could not have foreseen or which were beyond his control, was

-: 78 :- unable to marry her despite having every intention to do.

18. There is a clear distinction between rape and

consensual sex. There is also a distinction between a mere breach of a promise and not fulfilling a false promise. It is trite that in a prosecution for rape on the false promise of marriage, the crucial issue to be considered is whether the allegation indicates that the accused had given a promise to the victim to marry, which at the inception was false and based on which the victim was induced into a sexual relationship. Without such an allegation or proof, the offence of rape will not be attracted. If the accused has not made the promise to seduce the prosecutrix to indulge in sexual acts, such an act will not amount to rape. So also, in a case where the allegation is that the accused had sexual intercourse with the victim after obtaining her consent by giving a promise of marriage and when he subsequently marries her, it really means fulfilment of the promise made by the accused to the prosecutrix and the offence may not get attracted. In cases where the married woman had consensual sex with a man, or an unmarried woman had sex with a married man knowing that he was married induced by the promise of marriage,

-: 79 :-

the offence of rape will not get attracted since she knew well that marriage by or with a married person is illegal, and such a promise cannot be honoured. Recently, this Court in xxx v. State of Kerala and Another40 has held that the promise alleged to have been made by the accused to a married woman that he would marry her is a promise which is not enforceable in law as it is against public policy in view of the mandatory provisions contained in Section 23 of the Indian Contract Act and such an unenforceable and illegal promise cannot be the basis

for the prosecution to contend that the consent of the woman, who had sexual relationship with the accused, was obtained on the basis of the misconception of fact as understood in Explanation 2 of Section 375 of the IPC and Section 90 of the IPC. Similarly, if the allegations and materials disclose that the victim agreed to have sexual intercourse on account of her love and passion for the accused or where the accused could not marry her on account of circumstances beyond his control, the offence will not be attracted. In these types of cases, there is no point in not exercising the jurisdiction under section 482 of Cr.P.C. to quash 402022 KHC 296

-: 80 :- the proceedings on the ground of compromise between the accused and the sexual assault victim.

19. There is yet another category of cases where though

the victim alleged that the sexual assault or rape was forceful or against her will, later, they settled the dispute, got married and led a peaceful life. In most of those cases, the victim admits that the allegation of rape was levelled only because the accused refused to marry her. Allowing prosecution to continue in those cases would only result in the disturbance of their happy family life. On the contrary, the closure of such a case would promote

their family life. In such cases, the ends of justice demand that the parties be allowed to compromise. However, the Court must ensure that the marriage is not a camouflage to escape punishment and the consent given by the victim for compromise was voluntary. The Court must also be satisfied after considering all the facts and circumstances of the case that quashing the proceedings would promote justice for the victim and the continuation of the proceedings would cause injustice to her.

20. It is beyond doubt that the acknowledged physical relationship between two adults could not constitute an offence -: 81 :-

of rape under section 376 of IPC. There are some cases where though sexual intercourse was participatory, the victim made a complaint alleging that it was

forceful and consequently, FIR was registered. When those types of cases come up for quashing on the ground of settlement, if the Court, on perusal of the statement of the victim, the materials collected during the investigation as well as the affidavit of the victim, finds that the alleged sexual intercourse was consensual, there is no point in allowing such redundant criminal proceedings to continue only to burden the already overburdened criminal courts further.

21. Growing incidences where teenagers who are involved

in a romantic relationship with each other fall victim to the offences under the POCSO Act is yet another issue of much concern. These types of teen romance often turn into cohabiting consensually, and the girl alleges rape due to pressure from family, fear of society or when the boy refuses to marry. Since sexual intercourse with a minor is considered statutory rape, crime is registered in those types of complaints. The question is, can such sexual assault cases against minors be quashed based on compromise?

-: 82 :-

22. The High Court of Madras41 while quashing a criminal

proceeding initiated under the POCSO Act on the ground of settlement between the accused and the victim held that punishing an adolescent boy for entering a relationship with a girl below 18 years of age was never an objective of this act. What came to be a law to protect and render justice to victims and survivors of child abuse can become a tool in the hands of certain sections of the society to abuse the process of law., it added. The High Court of Calcutta42 acquitted an accused, holding that a voluntary joint act of sexual union would not attract offence under the POCSO Act. The court held that penetration as defined under the POCSO Act must mean a positive, unilateral act on the part of the accused, and consensual participatory intercourse, in view of the passion involved, need not always make penetration by itself, a unilateral positive act of the accused but might also be a union between two persons out of their own volition. The Court was considering an appeal where the accused, aged 22, was convicted under Section 376(1) of the IPC and Section 4 of the POCSO Act by the trial Court. The

41Vijayalakshmi & Anr. v. State & Anr. (Crl.O.P.232/21 decided on 27.01.2021) 42Ranjit Rajbanshi v. The State of West Bengal and others (C.R.A. No.458 of 2018, decided on 17/9/2021)

-: 83 :-

accused took the defence that the victim, aged 16 years, gave her consent for the act and had admitted her relationship with him. The High Court of Allahabad 43 while granting bail to a man booked under the POCSO Act for impregnating a 14-year-old girl, said that the law didnt intend to bring cases of dense romantic affairs between adolescents or teenagers under its aegis.

23. It is settled that though a minor is not qualified to

enter into a contract, it could be the beneficiary of one. In other words, a parent or guardian is competent to contract on behalf of the minor if it is in its best interest. Section 320(4) of Cr. P.C. says that if the person entitled to compound an offence is minor or lunatic, any person competent to contract on their behalf can

compound such an offence on their behalf. Under Rule 7 of Order

XXXII of the Code of Civil Procedure, a next friend or guardian of the minor, with the leave of the Court, can enter into an agreement or compromise on behalf of the minor with reference to the suit in which he acts as next friend or guardian. The term best interest of the child generally refers to the deliberation courts undertake when deciding what services, actions, and 43Atul Mishra v. State of Uttar Pradesh, (Crl.Misc.Bail Application No. - 53947 of 2021 decided on 25.01.2022)

-: 84 :-

orders best serve a child. Article 3.1 of the United Nations Convention on the Rights of the Child, 1989, states that in all decisions concerning children that are made by public or private social protection institutions, courts, administrative authorities or legislative branches, the childs best interest must be a vital consideration. Best interest determinations are generally made by considering

several factors, with the childs safety and well- being as the paramount concern. As per Section 2(9) of the Juvenile Justice (Care and Protection of Children) Act, 2015, best interest of the child means the basis for any decision taken regarding the child to ensure fulfilment of its basic rights and needs, identity, social well-being, and physical, emotional, and intellectual development. Thus, while dealing with the petitions moved by the parent or guardian of the sexual assault victims to quash the criminal proceedings on the ground of compromise, the

court must consider whether the allegations prima facie constitute the ingredients of the offence, whether the settlement is in the best interest of the minor victim and whether continuance of the proceedings against the accused and the participation of the minor victim in that proceedings would -: 85 :- adversely affect the mental, physical, and emotional well-being of the latter.

24. Another common form of sexual abuse of children is

incest or intrafamilial sexual abuse. Most incest occurs between father and daughter. Other instances of sexual abuse of children are most often committed by stepfather, by older male relatives, by friends who have access to children within the family setting and by people normally trusted by parents. Out of the bunch of cases, one is incestuous sexual assault committed by the father- in-law and another one by the grandfather - a clear case of the fence itself eating the crop.

25. Child abuse of any kind is a negative experience that

often affects survivors to varying degrees throughout their lives. However, child sexual abuse committed by a parent or other relative - that is, incest - is associated with particularly severe psychological symptoms and physical injuries for many survivors. Trauma can affect both bodies and minds. The survivors of father- daughter incest are more likely to report feeling depressed, damaged, and psychologically injured than are survivors of other types of child abuse. It can have lasting effects on a childs

-: 86 :- development and sense of safety. The mental trauma and agony

the helpless child underwent each time her own father, stepfather or close relative sexually abused her cannot be lost sight of by the court while considering the plea to quash the proceedings on the ground of settlement. That apart, in such cases, the Court cannot always be assured that the consent given by the victim in compromising the case is voluntary. There is always the possibility that she is pressurised by the convict or by her own mother, who, in most cases, supports the accused. Thus, any compromise between the victim and the offender in relation to an offence of incestuous sexual assault could not normally provide any basis for quashing the criminal proceedings.

26. These are the broad principles to be borne in mind while considering the plea to quash criminal proceedings

involving non-compoundable sexual offences based on compromise. However, every case is unique and must be decided based on its peculiar facts. The viability of quashing a criminal proceeding on the ground that the accused and the sexual assault victim settled the dispute revolves ultimately around the

facts and circumstances of each case, and no straitjacket formula

-: 87 :-

can be formulated. Apart from the categories of cases discussed above, where the High Court has such facts on record which clearly exhibit that the criminal prosecution involving non- compoundable sexual offences against women and children will result in greater injustice to the victim, its closure would only promote her well-being, and the possibility of a conviction is remote, it can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach and very well decide to quash such proceeding upon a compromise between the accused and the victim after taking into account all the relevant facts and circumstances of the particular case including the nature, magnitude, consequences of the crime and genuineness of the compromise. Needless to emphasize, the sexual offences which are grave, heinous, and gruesome in nature shall never be the subject matter of compromise.

27. Bearing in mind the above parameters, let me consider each case on its merits.

28. Crl.M.C. Nos. 1387/21, 3021/20, 5765/20, 6299/21, -: 88 :-

prosecutions for rape or sexual assault on a false promise of marriage. The facts are almost similar, except for the slight difference that, in the first eight cases (Crl.MC Nos. 1387/21, the time of the alleged incident, the victim was minor, and in the remaining cases (Crl.M.C.Nos.366/22, 1607/21, 4931/21, 5734/21, allegations in all the cases are that the accused, by giving a false promise of marriage, had sexual intercourse with the victim, but retracted from the promise. However, later, the accused and the victim got married, and therefore, they sought to quash the proceedings on the ground of settlement. 28.1. As stated already, in a case where the allegation is

that the accused had sexual intercourse with the victim by obtaining her consent by giving a promise of marriage and when he subsequently marries her, it really means fulfilment of the promise made by the accused to the victim. Since the accused married the victim, honouring the promise though belatedly, the basis of FIR does not survive.

-: 89 :- 28.2. In almost all these cases, the accused and the victim

were in love for many years, and they had consensual sex on several occasions. The victims in all the cases have sworn in affidavits stating that the sexual intercourse they had was purely consensual in nature, and they have no objection to quash the proceedings. In none of the cases is there a specific allegation in the FI statement that when the accused promised to marry the victim, it was done with bad faith and with the intention to deceive her. In short, the alleged sex between the victim and the accused can only be termed voluntary and one on account of love and passion. Hence, offences are not made out.

28.3. It is also borne out from the records that the accused

and the victim in all the cases are happily married, and most of them were blessed with children. Allowing the prosecution to continue, in such circumstances, may

adversely affect their happy family life. Considering the nature of allegations in the FIR in all the cases, the affidavits sworn in by the victims and other details on record referred above, in my opinion, the relief claimed by the petitioners to quash the criminal proceedings pending against them deserves to be acceded to for doing complete

-: 90 :- justice to the parties.

29. Crl.M.C. Nos. 69/22, 279/22 & 533/22: The facts of

these three cases are identical in nature. The common allegation is that the accused, after giving false promise of marriage, sexually assaulted the victim on several occasions and thus

committed the offence of rape. The accused in all the three cases was already married and had children when they met the victim. The victim fell in love with the accused, knowing that he was already married. Admittedly, they voluntarily visited many places and had consensual sexual intercourse many times. According to the victim, she consented to sex on the promise given by the accused that he would marry her. As stated already, this court in xxx v. State of Kerala (supra) has held that the promise alleged to have been made by the accused to a married woman that he would marry her is a promise which is not enforceable in law, and such an unenforceable and illegal promise cannot be a basis for the prosecution under section 376 of IPC. Here, no question of promise to marry arises since the accused is a married man, and the victim knew well that legal marriage with him was not possible under the law. That apart, on the entire

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reading of the FIS, it is evident that sexual intercourse was consensual in nature. Hence, the basic ingredient of the offence under section 376 of IPC is not attracted against the accused. Thus, the criminal proceedings pending against the petitioners, which are the subject matter of the above Crl.M.C.s, are only to be quashed.

30. The following cases can be considered together as the

facts therein are similar. In all the cases, the crime was

registered against the accused under sections, inter alia, 376 of IPC on the complaint of the victim alleging that on the promise to marry, the accused made a physical relationship with her, but he withdrew from the promise and refused to marry her. 30.1. Crl.M.C. Nos. 521 & 1439/2021: Both these cases are connected. The accused and the victim are one and the same.

The offence alleged is also same. The allegations are almost similar. The allegation is that the victim, 28 years old divorcee, met the accused, 28-year-old doctor, working in Saudi Arabia through a matrimonial site, thereafter they fell in love and had sexual intercourse several times at different places under the pretext of promise to marry. A reading of the FIS would show that

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the victim voluntarily went along with the accused and stayed in different hotels at different places of Kerala on number of occasions and they had consensual sexual intercourse. In the affidavit sworn in by the victim, she stated that she lodged complaint purely out of sudden provocation due to strained circumstances.

30.2. Crl.M.C. No. 127/2022: The FIS indicates that the

victim, aged 22 years, and the accused, aged 27 years, were in love and they had consensual sex on number of occasions at the house of the victim, that too during night. In the affidavit, the victim stated that she preferred the complaint against the accused to persuade and compel him to marry her, as advised by some of her friends. Now the victim has married another man and leading a happy married life.

30.3. Crl.M.C. No. 466/2022: The victim is a divorcee aged 43 years and the accused is aged 35 years. The records show that they were in love and had consensual sexual intercourse at the house of the accused as well as at various hotels since 2014. In the affidavit, the victim stated that the alleged sexual intercourses were consensual in nature and not under the pretext -: 93 :- of promise to marry. She further stated that they were in deep love and during those days, they were exchanging their mind and body out of passion, and she lodged

the complaint when she came to know that the accused had similar relationship with another women. 30.4. Crl.M.C. No. 7984/2019: The victim was aged 20 years and the accused was aged 21 years at the time of the registration of the crime i.e., in 2018. They were in love since 2016 with the knowledge and consent of their parents. The FIS indicates that on 19/4/2018, they together went to Bangkok with the approval of their parents, stayed there for 8 days in a

honeymoon package and indulged in consensual sexual intercourse. Thereafter, they also had consensual sex on several occasions. Their relationship strained when the victim suspected that the accused had relationship with other women. In the affidavit, the victim stated that she preferred the complaint at the instance of her mother to compel the accused to marry her.

30.5. Crl.M.C. No. 5531/2020: Both the victim and the accused were working in Abudabhi. The victim was a divorcee, aged 40 years. They met through a matrimonial site and -: 94 :-

thereafter they were in a live-in relationship at a flat at Abudabhi for some time. During the said period, they had consensual sex several times. In the affidavit, the victim has admitted that they were in live-in relationship and the sexual intercourse they had during the subsistence of the said relationship was purely consensual.

30.6. Crl.M.C. No. 5076/2018: Both the accused and the victim were aged 24 years and they were in deep love for six years. The FIS indicates that they had consensual sexual

intercourse several times at the house of the victim. In the affidavit sworn in by the victim, she stated that though they were in deep and true love for more than six years, the relatives of the accused did not agree for their marriage and thus they mutually decided to end the relationship. She further stated that she lodged the complaint due to the pressure exerted by her relatives. She also stated that the sexual relationship they had was purely consensual in nature and not under the pretext of promise to marry.

30.7. Crl.M.C. No. 138/2022: The FIS would show that the victim and the accused were in love, and they had consensual -: 95 :- sexual intercourse several times at the house of the victim as well as at the house of the accused, that too during nights. In the affidavit sworn in by the victim, it is stated that she gave the complaint out of misunderstanding. 30.8. Crl.M.C. No. 7885/2019: The first accused is the son,

and the second accused is the father. The first accused, aged 24 years, and the victim, aged 21 years, were in love and they decided to marry. The allegation is that the first accused after giving false promise to marry the victim compelled to have sexual intercourse without her consent at her house and the second accused sent lascivious messages through private chatting on her Facebook account. The FIS indicates that the victim and the first accused were in deep love, they travelled together to many places and had sexual intercourse several times. Now, the victim has married another man and is living a peaceful married life. In the affidavit, the victim stated that she voluntarily went with the first accused truly aware of premarital sexual intercourse and she raised allegations on account of the misunderstanding between herself and the first accused.

30.9. In all the above cases, admittedly, the victim and the -: 96 :-

accused were in love or a live-in relationship for a long period. None of the statements of the victim reveal that the accused made any promise with the sole intent to seduce the victim to indulge in sexual acts. It is trite that if a man retracts his promise to marry a woman, consensual sex they had will not constitute an offence of rape under section 376 of IPC unless it is established that the consent for such a sexual act was obtained by him giving a false promise of marriage with no intention of being adhered to and that promise made was false to his knowledge. Taking note of the allegations in the FIS as they stand, it is impossible to find the essential ingredients of the offence under section 376 of IPC. The relationship between the victim and the accused appears to be purely consensual in nature. The alleged sex between them can only, at best, be termed as one on account of love and passion and not on account of any misrepresentation made by the accused. Therefore, the offence of rape is not made out in any of the cases. In

all the cases, an affidavit has been sworn in by the victim stating that the entire dispute between her and the accused was amicably settled, and she does not want to proceed with the case further. In most cases, the victim has already

-: 97 :- married and leading a peaceful married life. Hence, the reliefs sought by the petitioner in all the cases to quash the proceedings can be allowed.

31. In the following cases though sexual intercourse was participatory, the victim made a complaint alleging that it was forceful and consequently, crime was registered. 31.1. Crl. M.C. No. 1834/2021: The offences alleged

include the offence under section 376(2)(n) of IPC. The prosecution allegation is that the accused took the victim to a hotel at Kanyakumari on 18/11/2020 by making her believe that he would arrange a job for her and subjected her to rape. The victim, aged 32 years, and the accused, aged 27 years, were married people. They had been friends for the last five years. The allegation in the FIS would show that the victim voluntarily went along with the accused to a distant place in Thoothukkudy of Tamil Nadu State, stayed in a hotel and had sex. Annexure A3 is the additional statement given by the victim to the police on she stated that whatever relationship existed between them was purely consensual. -: 98 :- 31.2. Crl.M.C. No. 4206/2019: The offence alleged is under section 376 of IPC. The prosecution allegation is that the accused, with an intention to quench his sexual thirst, took the victim on 2/1/2019 at about 2.30 p.m. to a lodge, committed rape on her and threatened her that he would show her photographs

to her husband and relatives. The victim is a married woman aged 40 years having two children studying in Plus Two and X th standard, respectively. The accused also is a married man. Admittedly, they were friends. The victim went to the lodge along with the accused on 2/1/2019 on her own will. There is no allegation of using force against her. Annexure A5 would show that even after the alleged incident, the victim sent WhatsApp messages and photos to the accused. In the affidavit, the victim stated that the accused at no point in time raped her, and the sexual intercourse they had was purely consensual. She further stated that she filed the complaint at the instigation of her relatives.

31.3. Crl.M.C. No. 6038/2021: The offences alleged are under sections 366A and 376 of IPC. The prosecution case is that the accused, with an intention to satisfy his lust, induced the -: 99 :- victim girl to go from her house, took her to different places in

Tamil Nadu and had sexual intercourse with her. Initially, the crime was registered under section 57A of the Kerala Police Act for girl missing on the complaint of the uncle of the victim. A few days later, the accused and the victim surrendered before the Angamaly police, and the victim stated that she went with the accused voluntarily. A reading of the FIS as well as the final report, would show that the victim went out of her house at her own wish; they voluntarily resided in many places in Tamil Nadu and had consensual sexual intercourse. Now the victim has married another person on 30/8/2015, and she has two children in the said wedlock. In the affidavit filed by the victim, she stated that the sexual intercourse she had with the accused was consensual in nature.

31.4. Crl.M.C. No. 8810/2019: The offences alleged are punishable under sections 376, 506(i) of IPC and section 66E of the IT Act. The prosecution allegation is that, on 14/7/2016 and room by threatening that the nude photographs of the victim would be propagated through social media. The victim was a law -: 100 :-

student aged 24 years, and the accused was aged 30 years. They were admittedly in love. The case records would show that they voluntarily went together to several places and had consensual sexual intercourse. In the FIS, there is no allegation that the accused committed any mode of penetrative sexual assault on the victim. The allegation in the FIS is so vague. Even according to the victim, she herself gave her nude photographs to the accused.

31.5. Crl.M.C. No. 4771/2021: The offences alleged are

under sections 363, 376(3) of IPC, section 4 r/w 3(b), 12 r/w 11(v) of the POCSO Act and 66E of the IT Act. The prosecution case, in short, is that the accused brought the victim to a house which was under construction and committed sexual assault on her. At the time of the commission of the offence, the victim was aged 15 years, and the accused was aged 17 years. They were distant relatives and

had been in love for a period of 7 months prior to the incident. In the FIS, she stated that they were in regular touch through WhatsApp, and she also sent him nude photos. According to her, on 19/8/2018, she went along with the accused, and he touched and kissed her and inserted his finger into her vagina.

-: 101 :- Nowhere is it stated that those acts were committed by the accused against her will. Both the accused and the victim were minors on the date of occurrence of the offence and were in a love relationship. The alleged physical relationship is not in the nature of an assault. It is a case where the minor girl accompanied the minor boy on her own, and the physical relationship between them developed with mutual consent. In the affidavit, the victim stated that the crime was registered due to a mistake of fact. 31.6. In all the above cases, the sexual relationship was participatory and consensual in nature. The dispute appears to be purely personal in nature. There is no case for any of the victims that the wanton act of the accused violated their dignity. In the affidavit filed by the victims, they have asserted that they are not desirous of prosecuting the case further. Hence, the prospectus of an ultimate conviction is bleak. Having considered all these aspects, I am of the view that these are fit cases where the jurisdiction vested with this court under section 482 of Cr.P.C. could be invoked to quash the proceedings.

32. The following cases, though the facts are dissimilar, -: 102 :- could be considered together. 32.1. Crl.M.C. No. 3482/2021: The petitioners are accused

Nos.1 to 3, and respondents 2 to 4 are the victims. The offences alleged are under sections 366A and 354D of IPC and section 11(iv) of the POCSO Act. The prosecution allegation is that at different times in June 2016, the accused enticed and compelled the victims to get into their car and compelled them to take photographs with them. The 2nd respondent gave the FIS. It is alleged that one day in April 2016, while she was returning home from school with respondents 3 and 4, petitioners came on their way in a car, and accordingly, they entered the car. After that, the first petitioner told the 2nd respondent, I love you; let us take a photo in the mobile, get into the car tomorrow. Likewise, the petitioners took the respondents 2 to 4 in a car the other day also and dropped them off on their way

home. The brother of the 2 nd respondent witnessed that incident, and the complaint was lodged. The statement of the mother of the 2 nd respondent shows that they warned the 2nd respondent not to get into the car of the petitioners when they knew that the 2nd respondent travelled in the car along with the petitioners. After that, the family of the 2 nd

-: 103 :- respondent came to know that the 2 nd respondent again travelled in the car along with the petitioners, and thus they lodged the complaint due to the fear that the petitioners may harass the 2 nd respondent. Going by the allegations, none of the offences

alleged are attracted. There is no allegation that the petitioners compelled the victims to accompany them with the intention to force them or to seduce them to indulge in intercourse to attract 366A of IPC. There is also no allegation that the petitioners followed respondents 2 to 4 to foster their personal interaction repeatedly despite a clear indication of disinterest by them to attract 354D of IPC. There is nothing to suggest that the alleged act done by the petitioners was with sexual intent to attract

section 11(iv) of the POCSO Act. In the affidavits sworn in by respondent Nos. 2 to 4, they stated that the complaint was filed only at the instigation of the family members, and there was no incident as such. 32.2. Crl.M.C. No. 3652/2021: The offences alleged are under sections 294(b), 354A, 509 r/w 34 of IPC, sections 11(1)(iv) r/w 12, 16 r/w 17 of the POCSO Act. The petitioner is the accused No.2, who is the mother of the victim. The accused No.1 is the -: 104 :-

stepfather of the victim. The crux of the allegation against the petitioner is that she induced the victim to have a sexual relationship with the accused No.1. In the statement of the victim, there is no allegation against the petitioner. The allegation against the accused No.1 is that he looked at her badly. In the statement of the remaining witnesses, there is no allegation against the petitioner to attract any of the offences involved. The victim has now attained 21 years and has filed an affidavit stating that the entire dispute has been settled and she does not have any grievance against the petitioner.

32.3. Crl.M.C. No. 3213/2021: There are five accused. The

accused No.1 is the husband and accused Nos.2 to 4 are the in- laws of the victim. Accused Nos.5 and 6 are the parents of the victim. The offences alleged against the accused No.1 are under sections 376, 376(2)(n), 313, 498A and 506(i) of IPC, sections 6 r/w 5(j), (ii), (i) r/w 11(v) of the POCSO Act, section 10 of the Prohibition of Child Marriage Act and section 67A of the IT Act. The offences alleged against accused Nos.2 and 3 are under sections 313, 498A and 34 of IPC and section 10 of the Prohibition

of Child Marriage Act. The offences alleged against accused -: 105 :-

Nos.4 and 5 are under section 313 r/w 34 of IPC and section 10 of the Prohibition of Child Marriage Act. The prosecution allegation is that accused No.1 committed rape on the victim while she was a minor in the year 2016, captured her nude photos in his mobile phone and threatened her that he would circulate them if she failed to surrender to his wish. Thereafter, he married the victim in accordance with the custom. When she became pregnant, the accused No.1 took her to a hospital and aborted the pregnancy against her will. The allegation against accused Nos.2 to 4 is that they subjected the victim to cruelty both physically and mentally, demanding dowry. The allegation against accused Nos.5 and 6 is that they conspired with the remaining accused to terminate the pregnancy of the victim. It was also alleged that they abetted to perform child marriage. Even though the nikah was conducted on

victim attained majority. The FIS indicates that even before the marriage, the petitioner and the victim were in love; she voluntarily accompanied him to his house and had consensual sexual intercourse. Thereafter, they got married also. After their marriage, there arose a difference of opinion between them -: 106 :- which resulted in the registration of the crime. Now the victim has obtained a divorce from the accused No.1, and she has filed an affidavit stating that she does not want to proceed with the matter. 32.4. Crl.M.C. No. 1363/2021: There are three accused.

The accused No.1 is the husband, and the accused Nos.2 and 3 are the in-laws of the victim. The offences alleged are under section 376B, 406, 498A r/w 34 of IPC. The prosecution case is that accused No.1 committed sexual intercourse with the victim suppressing the fact that he pronounced talaq on her, and all the accused subjected her to cruelty, demanding more dowry. A perusal of the FIS shows that accused No.1 married the victim on

According to her, when she went to the mahal committee to lodge a complaint against the accused for their harassment, the mahal committee informed her that the accused No.1 already pronounced talaq on her on 15/06/2016. Thereafter she filed a complaint alleging that even after the pronouncement of talaq, the accused No.1 had sexual intercourse suppressing the factum of talaq. Even going by the affidavit, there is no allegation that

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the sexual intercourse after the alleged pronouncement of talaq was forceful or against her will. Hence, offence under section 376 of IPC will not be attracted. That apart, the affidavit sworn in by the victim would show that the entire dispute has been settled, and now the victim and the accused No.1 are living together. Hence the alleged pronouncement of talaq is not a valid one, and the sexual intercourse they had after the alleged date of talaq cannot be termed as rape.

32.5. Crl.M.C. No. 1764/2021: The offences alleged are

under Sections 363 and 377 of IPC and section 3(b)(d) r/w 4 of the POCSO Act. This is a case where a woman, aged 24 years, committed unnatural sexual intercourse with another minor girl, aged 17 years. The crux of the allegation against the accused is that, on a day at about 3.30 a.m., the accused enticed the victim girl, called her over the phone, compelled her to leave home, took her to various places and had forceful unnatural sexual

intercourse with her against her consent. The crime was registered based on the complaint lodged by the sister of the victim. A reading of the FIS would show that the victim who was in deep love with the accused, voluntarily left her house, went -

along with the accused, and resided at the house of their friends on that day. It is stated in the FIS that on that night, while they were sleeping together, the accused kissed her. It appears that the entire act was consensual in nature. There are no ingredients to attract any of the offences alleged against the petitioner. The victim has filed an affidavit stating that the allegation that the accused enticed and sexually abused her against the order of nature is not correct. It is further stated that the allegations were made under the pressure of her sister and mother.

32.6. Crl.M.C. No. 2321/2021: The offences alleged are

under Sections 370, 366A, 354, 354A(1)(i), 354A (2) of IPC, Sections 8 r/w 7, 12 r/w 11 of the POCSO Act and sections 67A and 67B of the IT Act. The prosecution case is that the accused took the minor girl in a motorcycle, drove to Marine Drive in Ernakulam, and committed sexual assault. The accused was aged 25 years, and the victim was aged 17 years at the time of the alleged incident. A reading of the FIS , as well as the statement of the victim, recorded under section 164 of Cr. P.C, would show that they were in love. It would show that the accused and the victim voluntarily went to Marine Drive where the accused kissed her. It

is alleged that on another occasion, the victim showed her breast to the accused through video call. These allegations are hardly sufficient to constitute the above offences alleged against the accused. The victim has sworn in an affidavit stating that upon a misunderstanding, the complaint was filed, and she does not have any grievance against the accused. Now the victim has married another person and is living a peaceful married life.

32.7. Crl.M.C. No. 6430/2021: The offence alleged is under section 376(1) of IPC. The victim is a married woman aged 44 years. The accused also is a married man aged 49 years. They are relatives. According to the victim, the accused visited her house and proposed to her. Thereafter on 1/9/2021, while she was alone in her house, the accused came there, had liquor

together and committed rape on her when she became unconscious. The allegation in the FIS is so vague. In the affidavit filed by the victim, she stated that on the alleged date of the incident, the accused came to her house, they had liquor together, and she lost consciousness. She believed that the accused committed rape on her while she was unconscious, and it was in those circumstances that she lodged the complaint

-: 110 :- against him. But later, she realised that it was only her misbelief, and, in fact, the accused did not commit any sexual act while she was unconscious. 32.8. Crl.M.C. No. 408/2022: The offences alleged are under sections 8 r/w 7 of the POCSO Act and section 354A (1) of

IPC. The accused is a priest in a temple. The prosecution allegation is that the accused made the victim, and her parents believe that the victim was suffering headache due to the presence of evil spirit in her body, took her in a scooter for performing pooja and while in the scooter, he caught hold of her left hand with sexual intent. The case records would show that it was the parents of the victim who brought her to the petitioner for the performance of pooja to cure her illness. The only allegation is that the accused caught hold of the left hand of the victim while she was travelling along with him in the scooter. There is nothing to suggest that the said act was done by the accused with sexual intent. Now, the victim has become major. She has sworn in an affidavit stating that she gave FIS based on certain misunderstandings, and the entire dispute has been settled between her and the accused.

-: 111 :- 32.9. Considering all the relevant facts and circumstances

of the above cases including the nature, magnitude, and consequences of the crime, it is evident that the possibility of conviction is remote, the criminal prosecution will result in injustice to the victims and its closure would only promote their well-being. It cannot be said that the offences in these cases would fall into the category of offences that have a serious impact on society. These are not cases wherein the allegations reek of extreme depravity, perversity, or cruelty. In the affidavit filed by the victims, they have stated that they have settled all the disputes with the victims and that they are not interested to prosecute the cases

further. The ends of justice demands that further proceedings in all these cases should be quashed.

33. Crl.M.C. Nos. 2870/2021 & 347/22: These two cases

involve incestuous sexual abuse. In Crl.M.C.No.347/2022, the accused is the grandfather of the victim, aged 2 years of age. The allegation is that he committed digital penetration several times on the victim during the period from 15/12/2019 and founded and there are prima facie materials to connect him with -: 112 :- the crime. Moreover, the affidavit has been sworn in by the mother of the victim. There is nothing on record to show that the termination of the proceedings would be in the best interest of the victim child. The parties also could not point out that the continuation of the criminal proceedings and the participation of the victim in that proceedings would affect the mental, emotional, and educational well-being of the minor. In Crl.M.C.No.2870/2021, there are two accused who are father-in- law and mother-in-law, respectively, of the victim. The allegation

is that first accused/father-in-law committed

commission of the crime. There is also allegation that the 2 nd accused took the victim to a lodge and seven people committed rape on her one by one. The alleged incident is utmost heinous in nature and all the ingredients of the offences are attracted. In both the above cases, the victim was sexually exploited by none

other than their grandfather, and father-in-law respectively. The mental trauma and agony the helpless victims underwent each time when their own close relative, who were supposed to protect -: 113 :- her, sexually abused her cannot be lost sight of. Thus, I am of the view that the relief sought in the above cases cannot be granted.

34. Crl.M.C. No. 2759/2021: The offences alleged are under sections 511 of 376 and 354 of IPC, Sections 8 r/w 7, 17 r/w

16 of the POCSO Act. The petitioner is the accused No.4. The accused No.1 is the stepfather of the victim. The accused No.2 is the mother, and the accused No.3 is the poojari. The accused No.4 is an astrologer. The prosecution allegation is that

when the victim was studying in 9th standard, the accused No.1 with the aid and assistance of the accused Nos.2 and 3 brought her before the accused No.4 for the purpose of black magic. Thereafter, the accused No.4 insisted her to remove the clothes and sexually harassed her by applying oil on her body. It is further alleged that while the victim was studying in 10 th standard, accused No.4 again sexually harassed her. The perusal of the final report would show that the accused No.1 continuously sexually harassed the victim since she was 10-year-old till the complaint was lodged. The accused No.2 who was supposed to give protection to the victim aided the aforesaid act of the accused No.1. The accused No.3 who is the poojari recommended the name of the accused

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No.4 to the accused Nos.1 and 2 and later the accused Nos.1 to 3 took her before the accused No.4 where he insisted her to remove her upper clothes including undergarments and sexually harassed her by applying and touching oil on her breast. These allegations were clearly stated by the victim in the FIS as well as in the statement recorded under section 164 of Cr.P.C. When the victim could not tolerate the sexual harassment of accused Nos.1 and 2, she left her home and complained the same to CWC and thereafter crime was registered. The allegations are very serious in nature. Hence, I am of the view that this is not a fit case for settlement.

35. Crl.M. C. No. 5690/2021: The offence alleged are

under sections 377, 506 of IPC and Sections 3(c), 4, 7 and 8 of the POCSO Act. The victim boy was aged 13 years at the time of the incident. The allegation is that the accused, aged 57 years, committed carnal intercourse against the order of the nature with the victim boy on 21/8/2018 at 3.30 p.m. and further threatened him that he would be killed if it was disclosed to anybody. Prima facie there are materials to connect the accused with the crime. Very serious and heinous allegations are levelled against the

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accused. It is alleged that after the boy was subjected to unnatural sexual offence, the accused gave him `500/-. The affidavit is seen filed by the father of the victim. There is nothing on record to show that the settlement is in the best interest of the victim child. There are also no circumstances to indicate that the continuance of the criminal proceedings and the participation of the victim in that proceedings would adversely affect the mental, emotional, and educational well-being of the child. These kinds of acts are to be presumed against the society at large and cannot be the subject matter of compromise.

36. Crl.M.C. No. 6550/2018: The offences alleged are under sections 7 and 8 of the POCSO Act, section 354A (1) of IPC

and section 23 of the Juvenile Justice Act. The prosecution allegation is that when the victim went to the fancy shop near to her school where the accused was employed, he touched her chest, stomach, genital organ and kissed her cheek with sexual intent. I went through the FIS. The allegations are very serious in nature. At the time of the alleged incident, the victim was

studying in 6th standard. The affidavit is seen sworn in by the

compromise is in the best interest of the victim. Hence, prayer for quashing cannot be allowed. In the light of the above findings, Crl.M.C.Nos.6550/2018, stand dismissed. Crl.M.C.Nos. 5076/2018, 4206/2019, 7885/2019, pursuant to the following FIR/cases are hereby quashed. Sl. Case No. FIR/Cases No.

1 Crl.M.C 5076/2018 Crime No. 727/2018 of Poochakkal Police S

5 Crl.M.C 8810/2019 SC No. 907/2018 on the files of the Additional Sessions Court (For the Trial of Cases relating to Sexual violence against Women and Children), Kozhikode arising from Crime No. 593/2017 of Thamarassery Police Station.

6 Crl.M.C 3021/2020 SC No. 1032/2019 on the files of the 1 st Additional Sessions Court, Palakkad arising from Crime No. 7 Crl.M.C 5531/2020 Crime No. 1968/2020 of Malayinkeezhu Police Station. 8 Crl.M.C 5765/2020 SC No. 717/2019 on the files of the 1 st Additional Sessions Court, Thrissur arising from

Crime No. 9 Crl.M.C 521/2021 Crime No.863/2020 of Perinthalmanna Police Station 10 Crl.M.C 1363/2021 SC No. 199/2018 on the files of the Principal

Assistant Sessions Court, Irinjalakkuda arising from Crime No. 578/2017 of Mathilakam Police Station. 11 Crl.M.C 1387/2021 SC No. 1426/2018 of Additional Sessions Court (Cases relating to the Atrocities and Sexual Offences against Women and Children), Thiruvananthapuram arising from Crime No. 631/2018 of Vizhinjam Police Station. 12 Crl.M.C 1439/2021 Crime No. 855/2020 of Perinthalmanna Police Station 13 Crl.M.C 1607/2021 Crime No. 6/2020 of Kalamassery Police Station. 14 Crl.M.C 1764/2021 SC No. 1043/2019 on the files of the Additional Sessions Court (Special Court for the Trial of offences under POCSO Act), Muvattupuzha arising from Crime No. 1120/2019 of Piravam Police Station. -: 118 :- 15 Crl.M.C 1834/2021 Crime No. 3403/2020 of Neyyattinkara Police Station 16 Crl.M.C 2321/2021 SC No. 368/2020 on the files of the Special Court for POCSO Cases, Ernakulam arising from Crime No.115/2019 of Central Police Station, Ernakulam 17 Crl.M.C 3213/2021 SC No. 709/2020 on the files of the Fast Track Special Court (FTSC) for the disposal of cases registered under the POCSO Act, Koyilandi arising from Crime No. 78/2018 of Perambra Police Station.

18 Crl.M.C 3482/2021 SC No. 126/2019 on the files of the Additional District & Sessions Judge I, Kasaragod arising from Crime No. 353/2016 of Badiadka Police Station. 19 Crl.M.C 3652/2021 SC No. 1181/2018 on the files of the Fast Track Special Court, Neyyatinkara arising from Crime No. 619/2018 of Vellarada Police Station. 20 Crl.M.C 4771/2021 ST No. 69/2021 on the files of the Juvenile Justice Board, Malappuram arising from Crime No. 21 Crl.M.C 4931/2021 Crime No. 349/2020 of Vagamon Police Station now pending as CP No. 6/2021 on the files of JFCM I, Peerumedu. 22 Crl.M.C 5734/2021 Crime No. 1053/2021 of Vadakkancherry Police Station 23 Crl.M.C 6038/2021 SC No. 412/2021 on the files of the Fast Track Special Court, Aluva arising from Crime No. 24 Crl.M.C 6299/2021 SC No. 544/2018 of Additional Special Court (POCSO), Muvattupuzha arising from Crime No. -: 119 :- 25 Crl.M.C 6327/2021 Crime No. 364/2018 of Tirur Police Station now pending as CP No. 102/2018 on the files of JFCM I, Tirur.

26 Crl.M.C 6430/2021 Crime No. 863/2021 of Kathiroor Police Sta

Station. 29 Crl.M.C 69/2022 SC 906/2021 on the files of the Additional District and Sessions Court (For the Trial of Cases relating to Atrocities and Sexual violence towards Women and Children), Kozhikode arising from Crime No. 30 Crl.M.C 84/2022 SC No. 809/2020 on the files of 1st Additional Sessions Judge Fast Track Special Court, Pattambi arising from Crime No. 496/2020 of Ottapalam Police Station. 31 Crl.M.C 127/2022 Crime No. 242/2018 of Kilikolloor Police Station. 32 Crl.M.C 138/2022 Crime No. 393/2018 of Tirur Police Station now pending as LP No. 25/2021 on the files of JFCM I, Tirur 33 Crl.M.C 279/2022 SC No.906/2021 on the files of the Additional District and Sessions Court (For the Trial of Cases relating to Atrocities and Sexual violence towards Women and Children), Kozhikode arising from Crime No. 101/2021 of Kunnamangalam Police Station. 34 Crl.M.C 366/2022 Crime No. 1600/2021 of Ernakulam Town North Police Station. 35 Crl.M.C.408/2022 SC No.1741/2019 on the file of Fast Track Special Court (POCSO), Neyyattinkara arising from Crime No.605/2019 of Vilappilsala Police Station. -: 120 :- 36 Crl.M.C 445/2022 SC No. 264/2021 on the files of the Fast Track Special Court, Kunnamkulam arising from Crime No. 1111/2020 of Chavakkad Police Station. 37 Crl.M.C 455/2022 SC No. 936/2021 on the files of the Fast Track Court for POCSO Act cases (Additional Sessions Court) Tirur arising from Crime No. 952/2020 of Parappanangadi Police Station.

38 Crl.M.C 466/2022 SC No. 1245/2016 on the files of the Fast Track Special Court, Neyyatinkara arising from Crime No. 285/2015 of Malayinkeezhu Police Station. 39 Crl.M.C 533/2022 Crime No. 859/2021 of Panoor Police Station 40 Crl.M.C 5288/2022 Crime No.1420/2021 of Ernakulam Town North Police Station. Sd/- DR. KAUSER EDAPPAGATH JUDGE Rp -: 121 :- APPENDIX OF CRL.MC 5076/2018 PETITIONER ANNEXURES ANNEXURE-A1. CERTIFIED COPY OF THE FIR IN CRIME NO.727/2018 OF POOCHAKAL POLICE STATION. ANNEXURE-A2. AFFIDAVIT SWORN BY THE 2ND RESPONDENT -: 122 :- APPENDIX OF CRL.MC 69/2022 PETITIONER ANNEXURES Annexure I A TRUE COPY OF THE FIRST INFORMATION

REPORT DATED 25/03/2021 IN CRIME NO.101 OF 2021 OF THE KUNNAMANGALAM POLICE STATION, KOZHIKODE DISTRICT.

Annexure II A TRUE COPY OF THE FINAL REPORT DATED THE KUNNAMANGALAM POLICE STATION, KOZHIKODE DISTRICT. Annexure III A TRUE COPY OF THE LIST OF WITNESSES IN CRIME NO.101 OF 2021 OF THE KUNNAMANGALAM POLICE STATION, KOZHIKODE DISTRICT. Annexure IV A TRUE COPY OF THE AFFIDAVIT DATED Annexure V A TRUE COPY OF THE ORDER DATED THIS HON'BLE COURT. -: 123 :- APPENDIX OF CRL.MC 84/2022 PETITIONER ANNEXURES

Annexure A CERTIFIED COPY OF THE FIRST INFORMATION

DISTRICT. Annexure B CERTIFIED COPY OF FIR IN CRIME NO.496/2020 OF OTTAPALAM POLICE STATION. Annexure C TRUE COPY OF THE FINAL REPORT SUBMITTED AND PENDING BEFORE ADDITIONAL SESSIONS JUDGE FAST TRACK SPECIAL JUDGE, PATTAMBI. Annexure D TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 16.02.2021. Annexure E AFFIDAVIT OF THE 2ND RESPONDENT DATED 31.12.2021. -: 124 :- APPENDIX OF CRL.MC 127/2022 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FIR IN CRIME Annexure 2 NOTARIZED AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT DATED 31.12.2021. -: 125 :- APPENDIX OF CRL.MC 138/2022 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE FIR IN CRIME NO.393/2018 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT. Annexure A2 THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.393/2018 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, TIRUR. Annexure A3 THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT DATED 28/12/2021. -: 126 :- APPENDIX OF CRL.MC 279/2022 PETITIONER ANNEXURES Annexure I A TRUE COPY OF THE FIRST INFORMATION

REPORT DATED 25.3.2021 IN CRIME NO.101 OF 2021 OF THE KUNNAMANGALAM POLICE STATION, KOZHIKODE DISTRICT.

Annexure II A TRUE COPY OF THE FINAL REPORT DATED 31.7.2021 IN CRIME NO. 101 OF 2021 OF THE KUNNAMANGALAM POLICE STATION, KOZHIKODE DISTRICT. Annexure III A TRUE COPY OF THE LIST OF WITNESSES IN CRIME NO.101 OF 2021 OF THE KUNNAMANGALAM POLICE

STATION, KOZHIKODE DISTRICT. Annexure IV A TRUE COPY OF THE AFFIDAVIT DATED 4.1.2022 SWORN BY THE 2ND RESPONDENT Annexure V A TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER DATED 28.2.2013 Annexure VI A TRUE COPY OF THE ORDER DATED 6.1.2022 IN CRL.M.C.NO.69 OF 2022 BEFORE THIS HON'BLE COURT -: 127 :- APPENDIX OF CRL.MC 347/2022 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.92/2020, NUMBERED AS S.C.NO.51/2020 ON THE FILES OF HON'BLE SESSIONS COURT, PATHANAMTHITTA Annexure 2 TRUE COPY OF THE PETITION IN OP (HMA) NO.343/2020 BEFORE THE FAMILY COURT, PATHANAMTHITTA Annexure 3 THE AFFIDAVIT DATED 31.12.2021 SWORN BY THE 2ND RESPONDENT/MOTHER OF THE SURVIVOR -: 128 :- APPENDIX OF CRL.MC 366/2022 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE F.I.R. DATED 30.12.2021 IN CRIME NO.1600/2021 OF ERNAKULAM TOWN NORTH POLICE STATION. Annexure A2 TRUE COPY OF THE F.I.S. DATED 30.12.2021 GIVEN BY THE 2ND RESPONDENT BEFORE THE ERNAKULAM TOWN NORTH POLICE STATION. Annexure A3 TRUE COPY OF THE NOTICE OF INTENDED

MARRIAGE AND ACKNOWLEDGMENT CUM RECEIPT FOR SPECIAL MARRIAGE DATED 12.1.2022 ISSUED BY THE REGISTRATION DEPARTMENT, GOVT. OF KERALA.

Annexure A4 THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 13.1.2022. -: 129 :- APPENDIX OF CRL.MC 445/2022 PETITIONER ANNEXURES Annexure A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 1111/2020 OF THE CHAVAKKAD POLICE STATION, THRISSUR DISTRICT. Annexure B THE TRUE COPY OF THE MARRIAGE CERTIFICATE, DATED 18/11/2020. Annexure C A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 06/01/2022. Annexure D A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT DATED 06/01/2022. -: 130 :- APPENDIX OF CRL.MC 408/2022 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.605/2019 OF VILAPPILSALA POLICE STATION Annexure B NOTARIZED AFFIDAVIT SWORN

BY THE 2ND RESPONDENT -: 131 :- APPENDIX OF CRL.MC 424/2022 PETITIONER ANNEXURES Annexure 1 THE TRUE COPY OF FIR IN CRIME NO. DATED 15.12.2019 (KEPT IN SEALED COVER). Annexure 2 THE COPY OF AFFIDAVIT SWORN BY THE 3RD RESPONDENT REGARDING SETTLEMENT DATED 12.01.2022 (KEPT IN SEALED COVER). -: 132 :- APPENDIX OF CRL.MC 466/2022 PETITIONER ANNEXURES Annexure 1 A CERTIFIED COPY OF THE FINAL REPORT IN S.C. NO. 1245/2016 ON THE FILE OF FAST TRACK SPECIAL COURT, NEYYATTINKARA. Annexure II THE AFFIDAVIT DATED 01/11/2021 SWORN BY THIS PETITIONER. -: 133 :- APPENDIX OF CRL.MC 455/2022 PETITIONER ANNEXURES Annexure A1 CERTIFIED COY OF THE FIR CRIME NO.952/2020 OF PARAPPANANGADI POLICE STATION. Annexure A2 CERTIFIED COY OF THE CHARGE SHEET AND MEMORANDUM OF EVIDENCE IN CRIME NO.952/2020 OF PARAPPANANGADI POLICE STATION. Annexure A3 TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 30.12.2021 ISSUED BY THE LOCAL REGISTRAR PALLIKKAL GRAMA PANCHAYAT. Annexure A4 THE AFFIDAVIT DATED 17.01.2022 SWORN IN BY THE 2ND RESPONDENT (DE-FACTO COMPLAINANT). -: 134 :- APPENDIX OF CRL.MC 533/2022 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.859/2021 OF PANOOR POLICE STATION, KANNUR DISTRICT. Annexure II TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT. -: 135 :- APPENDIX OF CRL.MC 521/2021 PETITIONER ANNEXURES ANNEXURE A1 A TRUE COPY OF THE FIR IN CRIME NO.863/2020 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PERINTHALMANNA ANNEXURE A2 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DE FACTO COMPLAINANT DATED 25.1.2021 ANNEXURE A3 A TRUE COPY OF THE FIR IN CRIME

NO.680/2020 OF MARADU POLICE STATION PENDING ON THE FILES OF THE ADDL.SESSIONS COURT, (POCSO), ERNAKULAM ANNEXURE A4 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DE FACTO COMPLAINANT DATED -: 136 :- APPENDIX OF CRL.MC 5690/2021 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FIR DATED 28.08.2018 IN FIR IN CRIME NO.762/2018 OF BADAGARA POLICE STATION, KOZHIKODE. Annexure A2 THE CERTIFIED COPY OF THE FINAL REPORT IN FIR IN CRIME

NO.762/2018 OF BADAGARA POLICE STATION NUMBERED AS SC NO.661/2020 OF ADDITIONAL DISTRICT SESSIONS FAST TRACK SPECIAL COURT (FOR POCSO CASES), KOZHIKODE.

Annexure A3 THE TRUE COPY OF THE AFFIDAVIT SIGNED BY THE 3RD RESPONDENT/DE-FACTO COMPLAINANT ON 25.11.2020. -: 137 :- APPENDIX OF CRL.MC 1363/2021 PETITIONER ANNEXURES ANNEXURE 1 TRUE COPY OF THE FIR NO. 578/2017 OF MATHILAKAM POLICE STATION, THRISSUR DISTRICT DATED 23.03.2017 ANNEXURE 2 CERTIFIED COPY OF THE FINAL REPORT NO. SC NO. 199/2018 ON THE FILE OF PRINCIPAL ASSISTANT SESSIONS COURT, IRINJALAKUDA. ANNEXURE 3 TRUE COPY OF THE AFFIDAVIT FILED BY 3RD RESPONDENT DATED 01.03.221. -: 138 :- APPENDIX OF CRL.MC 1387/2021 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.631/2018 OF VIZHINJAM POLICE STATION. ANNEXURE A2 CERTIFIED COPY OF THE MARRIAGE

CERTIFICATE ISSUED BY THE SECRETARY OF THRIKKANNAPURAM SIVA TEMPLE, THIRUVANANTHAPURAM DATED 19.12.2018

ANNEXURE A3 TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE MARRIAGE OFFICER, VENGANOOR DATED 13.2.20219 ANNEXURE A4 ORIGINAL COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT. -: 139 :- APPENDIX OF CRL.MC 1439/2021 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF FIR IN CRIME NO.855/2020 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PERINTHALMANNA. ANNEXURE A2 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT DATED 8.3.21. -: 140 :- APPENDIX OF CRL.MC 1607/2021 PETITIONER ANNEXURES ANNEXURE-A1. TRUE COPY OF THE FIR AND FI STATEMENT IN CRIME NO.6/2020 OF KALAMASSERY POLICE STATION ANNEXURE-A2. TRUE COPY OF THE STATEMENT OF THE 3RD RESPONDENTE IN CRIME NO.6/2020 OF KALAMASSERY POLICE STATION. ANNEXURE-A3. TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 4.1.2021

ANNEXURE-A4. AFFIDAVIT OF THE 3RD RESPONDENTANNEXURE-A5.

19.10.2020 -: 141 :- APPENDIX OF CRL.MC 1764/2021 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FIR IN CRIME NO.1120/2019 OF PIRAVOM POLICE STATION. ANNEXURE A2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1120/2019 OF PIRAVOM POLICE STATION. ANNEXURE A3 THE AFFIDAVIT SIGNED BY THE 2ND RESPONDENT/VICTIM DATED 09.02.2021. -: 142 :- APPENDIX OF CRL.MC 1834/2021 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FIS DATED 23.11.2020 ANNEXURE A2 CERTIFIED COPY OF THE F.I.R IN CRIME NO NEYYATTINKARA POLICE ON THE BASIS OF ANNEXURE-A1 ANNEXURE A3 CERTIFIED COPY OF THE ADDITIONAL STATEMENT MADE BY THE DEFACTO COMPLAINANT ON 21.12.2020

ANNEXURE A4 TRUE COPY OF THE ANTICIPATORY BAIL ORDER

DATED 26.2.2020 IN CRL.MC NO 2608/2020 BY THE ADDITIONAL SESSIONS JUDGE-11, THIRUANANTHAPURAM -: 143 :-

APPENDIX OF CRL.MC 2321/2021 PETITIONER ANNEXURES ANNEXURE 1 CERTIFIED COPY OF THE FINAL REPORT IN S.C.368/2020 OF SPECIAL COURT FOR POCSO CASES, ERNAKULAM. ANNEXURE A2 AFFIDAVIT OF THE DEFACTO COMPLAINANT/2ND RESPONDENT. -: 144 :- APPENDIX OF CRL.MC 3021/2020 PETITIONER ANNEXURES ANNEXURE A TRUE COPY OF THE FINAL REPORT REGISTERED BY THE INSPECTOR OF POLICE, TOWN NORTH POLICE STATION PALAKKAD DATED 28.10.2019. ANNEXURE B TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE MARRIAGE REGISTRAR , PALAKKAD MUNICIPALITY DATED 12.12.2019. ANNEXURE C TRUE COPY OF AN AFFIDAVIT OF THE 2ND RESPONDENT DATED 20.6.2020. ANNEXURE D TRUE COPY OF AN AFFIDAVIT OF THE 3RD RESPONDENT DATED 20.6.2020. -: 145 :- APPENDIX OF CRL.MC 2759/2021 PETITIONER ANNEXURES

Annexure 1 A TRUE COPY OF THE FIR IN CRIME

25.12.2014. Annexure 2 A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1342/2014 OF PAZHAYANNUR POLICE STATION, THRISSUR DISTRICT DATED 07.10.2017. Annexure 3 A TRUE COPY OF THE SECTION 164 STATEMENT OF THE 2ND RESPONDENT 11.03.2015. Annexure 4 A NOTARIZED COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT 08.04.2021. -: 146 :- APPENDIX OF CRL.MC 3213/2021 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FIR IN CRIME NUMBER POLICE STATION. Annexure A2 TRUE COPY OF THE FINAL REPORT DATED

17.07.2020 IN SC NO.709/2020 IN THE FILE OF FAST TRACK SPECIAL COURT (FTSC) FOR THE DISPOSAL OF CASES AND CASES REGISTERED UNDER POCSO ACT, KOYILANDY, KOZHIKODE DISTRICT.

Annexure A3 TRUE COPY OF THE AFFIDAVIT SWORN BY THE PETITIONER. -: 147 :- APPENDIX OF CRL.MC 2870/2021 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CR.NO.211/2021. Annexure II TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT DATED 18.06.2021. -: 148 :- APPENDIX OF CRL.MC 3482/2021 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE FIR DATED 9.7.2016 IN CRIME NO.353 OF 2016 OF BADIADKA POLICE STATION, KASARAGOD DISTRICT AND FIS. Annexure A2 CERTIFIED COPY OF THE FINAL REPORT DATED 20.9.2016 IN CRIME NO.353 OF 2016 OF BADIADKA POLICE STATION, KASARAGOD DISTRICT. Annexure A3 A TRUE COPY OF THE AFFIDAVIT DATED 5.7.2021 SIGNED BEFORE THE ADVOCATE NOTARY BY THE RESPONDENT NO.2 Annexure A4 A TRUE COPY OF THE AFFIDAVIT DATED 5.7.2021 SIGNED BEFORE THE ADVOCATE NOTARY BY THE RESPONDENT NO.3. Annexure A5 A TRUE COPY OF THE AFFIDAVIT DATED 5.7.2021 SIGNED BEFORE THE ADVOCATE NOTARY BY THE RESPONDENT NO.4. -: 149 :- APPENDIX OF CRL.MC 4206/2019 PETITIONER ANNEXURES ANNEXURE 1 TRUE COPY OF THE INFORMATION REPORT IN CR NO. 1045/2019 OF POONTHURA POLICE STATION. ANNEXURE II TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT. ANNEXURE III CERTIFIED COPY OF THE FIR IN CRIME NO.1045/2019 OF POONTHRA POLICE STATION ANNEXURE IV TRUE COPY OF THE SELFIE

PHOTOGRAPH TAKEN BY THE 3RD RESPONDENT ANNEXURE V TRUE COPY OF THE WHATSAPP MESSAGE AND PHOTOGRAPH SENT BY THE 3RD RESPONDENT -: 150 :- APPENDIX OF CRL.MC 3652/2021 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 619/2018 OF VELLARADA POLICE STATION DATED 12.05.2018. Annexure II CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 619/2018 OF VELLARADA POLICE STATION DATED 29.08.2018. Annexure III THE ORIGINAL OF THE AFFIDAVIT DATED 30.07.2021 EXECUTED BY THE SECOND RESPONDENT. -: 151 :- APPENDIX OF CRL.MC 4771/2021 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET. Annexure A2 THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT/VICTIM GIRL. -: 152 :- APPENDIX OF CRL.MC 4931/2021 PETITIONER ANNEXURES Annexure I A TRUE COPY OF THE FIR IN CRIME NO.349/2020 OF FORT POLICE STATION DATED 31.5.2020. Annexure II THE TRUE COPY OF THE MARRIAGE CERTIFICATE. Annexure III CERTIFIED COPY OF FINAL REPORT IN CRIME NO.349/2020 OF VAGAMON POLICE STATION DATED 28.2.2021. Annexure IV TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT. -: 153 :- APPENDIX OF CRL.MC 5734/2021 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FIR NO.1053/2021 VADAKKENCHERRY POLICE STATION, PALAKKAD ALONG WITH F. I STATEMENT. Annexure B TRUE COPY OF THE CERTIFICATE OF MARRIAGE DATED 170.11.2021 ISSUED FROM GURUVAYUR MUNICIPALITY. Annexure C AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT EVIDENCING THE FACTUM OF SETTLEMENT. -: 154 :- APPENDIX OF CRL.MC 5531/2020 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE FIR IN CRIME NO.1968/2020 OF MALAYINKEEZHU POLICE STATION. ANNEXURE A2 TRUE COPY OF THE AGREEMENT DATED 19.11.2020. ANNEXURE A3 COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT. -: 155 :- APPENDIX OF CRL.MC 6038/2021 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF FIR IN CRIME 1993/2011 OF ANGAMALY POLICE STATION Annexure A2 CERTIFIED COPY OF FINAL REPORT IN CRIME BEFORE THE HON'BLE JFCM COURT ANGAMALY Annexure A3 AFFIDAVIT DATED 29.10.2021 FILED BY THE

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OF THIS HON'BLE COURT -: 156 :- APPENDIX OF CRL.MC 5765/2020 PETITIONER ANNEXURES ANNEXURE 1 TRUE COPY OF FIR IN CRIME NO.108 OF 2019 OF KODAKARA POLICE STATION DATED 21.02.2019. ANNEXURE 2 TRUE COPY OF THE FINAL REPORT IN CRIME NO.108 OF 2019 OF KODAKARA POLICE STATION DATED 03.10.2019. ANNEXURE 3 TRUE COPY OF THE AFFIDAVIT FILED BY THE 1ST RESPONDENT DATED 06.10.2020. ANNEXURE 4 TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 06.10.2020. ANNEXURE 5 TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER AND FIRST RESPONDENT DATED 16.11.2020. -: 157 :- APPENDIX OF CRL.MC 6327/2021 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF FIR IN CRIME NO.364/2018 OF TIRUR POLICE Annexure A2 CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BY THE 1ST RESPONDENT IN CRIME NO.364/2018 Annexure A3 TRUE COPY OF THE CERTIFICATE ISSUED BY THE THIRUNAVAYA DEVASWOM DATED 21.10.2019 Annexure A4 ORIGINAL AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT DATED 09.12.2021 -: 158 :- APPENDIX OF CRL.MC 6299/2021 PETITIONER ANNEXURES Annexure I TRUE COPY OF THE FINAL REPORT IN SC NO.544/2018 OF ADDITIONAL SPECIAL COURT (POCSO), MUVATTUPUZHA. Annexure II TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 10.01.2020 ISSUED BY THE SUB REGISTRAR, MUVATTUPUZHA. Annexure III AFFIDAVIT OF THE 2ND RESPONDENT DATED 09.11.2021. Annexure IV AFFIDAVIT FILED BY THE FATHER OF THE VICTIM, THE 3RD RESPONDENT DATED 09.11.2021. -: 159 :- APPENDIX OF CRL.MC 6430/2021 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE FIR IN CRIME NO.863 OF 2021 OF THE KATHIROOR POLICE STATION, KANNUR DISTRICT DATED 3.12.2021. Annexure A2 THE TRUE COPY OF THE ORDER IN CRL M C NO.5345 OF 2013 PASSED BY THIS HON'BLE COURT DATED 25.03.2014. -: 160 :- APPENDIX OF CRL.MC 6550/2018 PETITIONER ANNEXURES ANNEXURE A TRUE COPY OF THE FINAL REPORT IN CRIME N.372/2015 OF

THE TIRURANGADI POLICE STATION, MALAPPURAM. ANNEXURE B TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 25.9.2018. ANNEXURE C TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT DATED 25.9.2018. -: 161 :- APPENDIX OF CRL.MC 6564/2021 PETITIONER ANNEXURES Annexure 1 A CERTIFIED COPY OF THE FIR IN CRIME NO.244/2020 OF VALIATHURA POLICE STATION. Annexure 2 TRUE COPY OF CERTIFICATE OF MARRIAGE

DATED 7.10.2021 ISSUED BY MARRIAGE OFFICER, THIRUVANANTHAPURAM IN RESPECT OF THE PETITIONER AND 3RD RESPONDENT.

Annexure 3 AFFIDAVIT DATED 18.12.2021 FILED BY THE 3RD RESPONDENT. -: 162 :- APPENDIX OF CRL.MC 6718/2021 PETITIONER ANNEXURES Annexure A1 A COPY OF THE FIR DATED 20.10.2021 IN CRIME NO.729 OF 2021 TOWN POLICE STATION IN KOZHIKODE DISTRICT. Annexure A2 A TRUE COPY OF THE ORDER DATED 1.11.2021 IN CRL.M.C. 1421/2021 BEFORE THE COURT OF SESSION, KOZHIKODE. Annexure A3 A TRUE COPY OF THE DATED 26.11.2021 IN B.A.NO.8891/2021 OF THIS HON'BLE COURT. Annexure A4 A TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER AND THE 2ND RESPONDENT. Annexure A5 AFFIDAVIT SWORN BY THE 2ND RESPONDENT. -: 163 :- APPENDIX OF CRL.MC 7885/2019 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE FIS AND FIR IN CRIME NO.56/2015 OF ARECODE POLICE STATION. ANNEXURE A2 THE AFFIDAVIT DATED 28/05/2019 SWORN IN BY THE 2ND RESPONDENT (DE-FACTO COMPLAINANT). Annexure A3 TRUE COPY OF THE ONLINE APPOINTMENT ISSUED BY THE PASSPORT SEVA KENDRA TO THE 1ST PETITIONER -: 164 :- APPENDIX OF CRL.MC 7984/2019 PETITIONER ANNEXURES ANNEXURE A1 A CERTIFIED COPY OF THE FIR IN CRIME NO.661/2018 OF IRINJALAKUDA POLICE STATION. ANNEXURE A2 A TRUE PHOTOCOPY OF FIS IN CRIME NO.661/2018 OF IRINJALAKUDA POLICE STATION DATED 11.09.2018. ANNEXURE A3 A CERTIFIED COPY OF FINAL REPORT IN CRIME NO.661/2018 OF IRINJALAKUDA POLICE STATION. ANNEXURE A4 A TRUE PHOTOCOPY OF THE BANK STATEMENT SHOWING

THE TRANSACTIONS. ANNEXURE A5 A TRUE PHOTOCOPY OF THE APPOINTMENT LETTER WITH REFERENCE TO THE ABOVE THREE PERSONS GOING TO FRANCE. ANNEXURE A6 A TRUE COPY OF THE WHATS APP MESSAGE FOR THE RELEVANT FORM. ANNEXURE A7 A CERTIFIED COPY OF THE REPORT OF THE MEDICO-LEGAL EXAMINATION OF SURVIVOR. ANNEXURE A8 A TRUE PHOTOCOPY OF THE INTERIM ORDER IN B.A.NO.8386/2018 OF THIS HONORABLE COURT DATED 19.12.2018. ANNEXURE A9 A TRUE PHOTOCOPY OF THE ORDER IN BA.NO.8386/2018 OF THIS HONOURABLE COURT DATED 08.01.2019. -: 165 :- APPENDIX OF CRL.MC 8810/2019 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE FIR IN CRIME NO.226/2017 OF THE THENHIPALAM POLICE STATION. ANNEXURE A2 TRUE COPY OF THE FIR IN CRIME NO.593/2017 OF THE THAMARASSERY POLICE STATION. ANNEXURE A3 TRUE COPY OF THE FINAL REPORT IN

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ANNEXURE A4 AFFIDAVIT OF THE DEFACTO COMPLAINANT / 2ND RESPONDENT. ANNEXURE A5 AN AGREEMENT DATED 31.10.2019 EXECUTED BY THE PETITIONER AND THE FATHER OF THE 2ND RESPONDENT. ANNEXURE A6 TRUE COPY OF THE FIS DATED 31.7.17 IN CRIME NO.226/2017 OF THE THENHIPALAM POLICE STATION. ANNEXURE A7 TRUE COPY OF THE 1ST ADDITIONAL STATEMENT OF THE VICTIM DATED 3.8.17 RECORDED IN THENHIPALAM POLICE STATION. ANNEXURE A8 TRUE COPY OF THE 2ND ADDITIONAL STATEMENT OF THE VICTIM DATED 14.8.17 RECORDED IN THAMARASSERY POLICE STATION. ANNEXURE A9 TRUE COPY OF THE MEDICAL EXAMINATION REPORT OF THE VICTIM DATED 3.8.17. -: 166 :- ANNEXURE A10 TRUE COPY OF THE ORDER OF THE HON'BLE COURT IN CRL.M.C.NO.8037/19 DATED 15.11.19. -: 167 :- APPENDIX OF CRL.MC 5288/2022 PETITIONER ANNEXURES ANNEXURE 1 TRUE COPY OF THE FIR IN CRIME NO.XXXX OF THIRURANGADI POLICE STATION DATED XXX . ANNEXURE 2 TRUE COPY

OF THE FINAL REPORT SUBMITTED BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM DATED 24.9.2022. Annexure 3 TRUE COPY OF SUMMONS ISSUED TO THE 1ST PETITIONER DATED 19.4.2023

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