

Smitha V.R. vs State of Kerala

Smitha V.R. vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1444802

Court : Kerala

Decided On : Jan-28-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/504/2022

Appellant : Smitha V.R.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL FRIDAY,
THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 CRL.MC NO.
504 OF 2022 CRIME NO. 1613 OF 2021 OF KILIMANOOR POLICE
STATION) PETITIONER/ACCUSED: SMITHA V.R. AGED 44 YEARS
D/O.RAMA DEVI, SOUNDHARAYA, VETTAMUKKU, THIRUMALA,
THIRUVANANTHAPURAM - 695 006. BY ADVS. SUMAN
CHAKRAVARTHY AMJATH A.R RESPONDENTS/STATE & DE FACTO
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM -
682 031. 2 SARATH SASI AGED 33 YEARS S/O.K.G.SASI, RESIDING
AT SAPHALYAM HOUSE, PAZHAYATTIL, NEAR SUCHITHRA

HOSPITAL, PAZHAYA KUNNUMMEL, KILIMANOOR, THIRUVANANTHAPURAM - 695 601. BY ADVS. K.R.VINOD K.S.SREEREKHA SR.PP - SMT. SREEJA V. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.01.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The sole accused in Crime No. 1613 of 2021 of Kilimanoor police station has moved this Court under Section 482 of the Cr.P.C. for quashing the proceedings on the ground of settlement reached with the 2nd respondent, the de facto complainant. That crime was registered on 21.07.2021 alleging offence punishable under Sections 406 and 420 of the IPC based on the First Information Statement given by Sarath Sasi, the 2nd respondent.

2. The First Information Statement indicates that the

2nd respondent is employed as Squadron leader, Indian Airforce at Jaisalmer. He happened to get acquainted with one person Niyati Narayan through Facebook. In fact, it was Smitha V.R, 44 year old lady who created a false Facebook profile on the pretext that she is Niyati Narayan, an MBBS student. They became close through frequent

Internet chatting and decided to get married. Even though he wanted to talk to her through WhatsApp call, she evaded under one pretext or the other. She made representations that she had been doing her post-graduation in Gynecology in Culcutta, that her mother is a Gynecologist and her father is a surgeon. Later on the representation that she is in hospital, etc, money was collected from him on various occasions. During the period starting from 04.12.2017 to 18.05.2019, she extracted an amount of Rs.8,43,000/- from him; everything was paid on the basis of her offer to marry him. Later, from a newspaper report in July 2019, he

came to know that by creating a false marriage profile a lady in the rank of Lieutenant had misappropriated an amount of Rs.15,00,000/- from a youth, which was also accomplished by a false Facebook account in the name of Niyati Narayanan. Prompted by the same when enquiries were made he realise that this was the mischief done by the

accused and thus by giving First Information Statement the crime was registered and the case is under investigation.

3. I heard the learned counsel for the petitioner, the learned Senior Public Prosecutor, and also the learned counsel for the 2nd respondent.

4. All have confirmed the settlement reached between

parties. Even though the allegation against the petitioner is very serious. Having regard to the fact that the successor prosecution will depend upon the inputs given by the 2 nd respondent, the de facto complainant alone. From Annexure-B affidavit it is clear that he does not want to pursue the proceedings. The petitioner has refunded the entire amount taken from him and he has been duly compensated. This being the position, it is idle to proceed with the case.

5. In the circumstances, there is no purpose in continuing the investigation in the case, entire proceedings in Crime No. 1613 of 2021 of Kilimanoor police station are quashed.

The Criminal Miscellaneous Case is allowed as above. Sd/- K. HARIPAL JUDGE
RMV/28/01/2022 APPENDIX OF CRL.MC 504/2022 PETITIONER ANNEXURES
Annexure A CERTIFIED COPY OF FIR IN CRIME NO.1613/21 OF KILIMANOOR
PS. Annexure B ORIGINAL AFFIDAVIT EXECUTED BY THE 2ND
RESPONDENT. TRUE COPY P.A.TO JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com