

Pradeep, vs State of Kerala

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Court : Kerala

Decided On : May-28-2021

Judge : Honourable Mr. Justice Sunil Thomas

Appeal No. : Crl.MC/5342/2020

Appellant : Pradeep,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS
FRIDAY, THE 28TH DAY OF MAY 2021 / 7TH JYAISHTA, 1943
CRL.MC NO. 5342 OF 2020 CRIME NO.9/2018 OF Santhanpara Police
Station, Idukki AGAINST THE ORDER/JUDGEMENT IN SC 310/2020
OF SPECIAL COURT UNDER POCSO ACT, IDUKKI, IDUKKI

PETITIONER/ACCUSED: PRADEEP, AGED 24 YEARS S/O
MARIMUTHU, CGP 11/49, CHINNAKKANAL PANCHAYAT,
CHINNAKKANAL VILAKKU BHAGOM, CHINNAKKANAL VILLAGE,
UDUMBANCHOLA TALUK, IDUKKI DISTRICT BY ADV BIJU .C.
ABRAHAM RESPONDENTS/STATE & VICTIM: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM-682 031. 2 XXX X BY ADV RAJESH CHAKYAT
OTHER PRESENT PP E.C.BINEESH THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 28.05.2021, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

JUDGEMENT

Petitioner herein is the sole accused in S.C.No.310 of 2020 on the files of the Honorable Court of Sessions (Special Court under POCSO Act and Children's Act), Thodupuzha for offence punishable under section 366A of the Indian Penal Code.

2. The allegation of the prosecution is that, petitioner induced

the victim at the age of 16 years and took her from her house at Tamil Nadu. Father of the victim complained. Pursuant to that, crime was registered. Thereafter, they were located. It is stated that, petitioner had married the defacto complainant and they are now living together. Learned counsel for the respondent also submitted that the parties have entered into matrimonial relationship and are living together. Original Marriage Certificate is produced as Annexure-A3.

3. The only offence alleged against the petitioner is under

section 366A of the IPC. Parties are living together. Learned Government Pleader, on instructions, submitted that the parties have resolved their dispute and it is informed that, they are living as

husband and wife. Having considered the entire allegations, I am inclined to invoke the jurisdiction under Section 482 of the Cr.P.C and to quash the criminal proceedings. In the result, Crl.M.C is allowed. All further proceedings in S.C.No.310 of 2020 on the files of the Honorable Court of Sessions (Special Court under POCSO Act and Children's Act) stand quashed.

Sd/- SUNIL THOMAS JUDGE Sbna/ APPENDIX OF CRL.MC 5342/2020
ANNEXURE/EXHIBITS ANNEXURE P1 CERTIFIED COPY OF THE FIR & FINAL
REPORT IN CRIME NO 9/2018 OF SANTHANPARA POLICE STATION

ANNEXURE P2 AFFIDAVIT DATED 10.11.2020 SWORN BY THE 2ND
RESPONDENT

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