

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942

CRL.MC.NO.2609 OF 2020

(TO QUASH FIR IN CRIME NO. 271/2020 OF KUTTAMPUZHA POLICE
STATION ERNAKULAM DISTRICT)

PETITIONER/ACCUSED:

HARI, AGED 26 YEARS, S/O. PARAMESWARAN,
PALACKAL HOUSE, METNAPPARAKUDY,
MAMALAKANDAM, KUTTAMPUZHA VILLAGE,
KUTTAMPUZHA, ERNAKULAM.

BY ADV. BIJU.C.ABRAHAM

RESPONDENT/STATE:

1. THE STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.
2. VICTIM

R1 BY PUBLIC PROSECUTOR SRI.C.S.HRITHWICK
R2 BY ADV.ANIL CHANDRAN

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON 15.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

CrI.MC No.2609 of 2020

Dated this the 15th day of May, 2020

O R D E R

Petitioner is the accused in Crime No.271/2020 of Kuttampuzha Police Station for having allegedly committed offences punishable under Sections 376(2)(f) and 376(2)(n) IPC. The defacto complainant is the second respondent herein, who has appeared through counsel and filed an affidavit to the effect that the matter has been amicably settled with the petitioner. In usual circumstances, an offence under Section 376 IPC could not be allowed to be settled. But the circumstances in this case is slightly different.

2. The petitioner and the second respondent were in love with each other for a fairly long time and the petitioner thereafter allegedly withdrew from the promise of marriage given to the defacto complainant, and she, therefore, filed a complaint before the Police stating that under false promise of marriage, she was induced to get physically intimate to the petitioner, and thereby he committed rape on her.

3. Now the parties have got married as is evident

from Annexure-A3 marriage certificate, which shows that they got married in a temple in accordance with the customary rites. The affidavit of the second respondent is at Annexure-A2. In view of the decision of this Court in *Denu P.Thampi v. Ms.X & Another [2019(3) KHC 199]*, I find that the parties have settled the matter amicably between them and it is specifically stated by the defacto complainant that she had filed the complaint against the petitioner because he had refused to marry her as was promised. But now the marriage has taken place and the promise made to the second respondent by the petitioner has been accomplished. Under the circumstances, there is no point in proceeding with the prosecution as against the petitioner. There is no public interest involved.

In the result, the Criminal MC is allowed and the entire proceedings as against the petitioner herein in Crime No.271/2020 of Kuttampuzha Police Station shall stand quashed under Section 482 Cr.PC.

**ASHOK MENON
JUDGE**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1 : COPY OF THE FIR IN CRIME NO. 271/2020 OF
KUTTAMPUZHA POLICE STATION

ANNEXURE A2 : AFFIDAVIT SWORN BY THE 2ND RESPONDENT 14

ANNEXURE A3 : MARRIAGE CERTIFICATE DATED 11/5/2020