



2025:KER:66094

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 8TH DAY OF SEPTEMBER 2025 / 17TH BHADRA, 1947

CRL.MC NO. 2702 OF 2024

CRIME NO.336/2023 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM

IN SC NO.1897 OF 2023 OF ADDITIONAL DISTRICT COURT &
SESSIONS COURT (ATROCITIES & SEXUAL VIOLENCE AGAINST WOMEN &
CHILDREN) , THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

XXXX
AGED 18 YEARS
XXXX, PIN - 695101

BY ADVS.
SRI.NAVANEETH.N.NATH
SHRI.GAUTHAM KRISHNA E.J.

RESPONDENTS/COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 XXXX
AGED 18 YEARS
XXXX, PIN - 695104

BY ADV
SMT.ABHIRAMI S.



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SMT.PUSHPALATHA - SR.PP

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20.08.2025, THE COURT ON 08.09.2025 PASSED THE FOLLOWING:**



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ORDER

The accused in S.C.No.1897 of 2023 on the files of the Additional Sessions Court (Atrocities and Sexual Violence against Women and Children), Thiruvananthapuram, has filed this petition under Section 482 Cr.P.C. to quash the proceedings against him in the said case.

2. The prosecution case is that the petitioner, who was the lover and school mate of the victim girl aged 17 years, kidnapped her from the lawful guardianship of her parents and resorted to penetrative sexual assault on two occasions - one at the house of his friend, and the other at the house of the victim. It is stated that the petitioner committed the aforesaid offence by giving the false promise of marriage to her. On another occasion, the petitioner allegedly took her to a remote rocky area and indulged in sexual overtures during the night. Thus, the petitioner is alleged to have committed the offences under Sections 450, 376(2)(n), 361, 363, 342 and 354A(1)(i) IPC and Section 6 read with 5(I) and 8 read with 7 of POCSO Act.



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3. In the present petition, the petitioner would contend that he is totally innocent, and that he has been falsely implicated in this case. It is further stated that the matter has been amicably settled between the parties, and that neither the victim nor her parents are interested in proceeding with the prosecution against the petitioner.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State of Kerala.

5. The incident involved in this case took place at a time when the victim girl was said to be $17\frac{1}{2}$ years old. It is apparent from the case records that the victim girl and the petitioner, who were school mates, maintained intimate relationship between them pursuant to their love affair, and that the victim girl used to travel with him to various places including the houses of their friends. The alleged incidents took place during certain days of such occasions. Had those incidents happened six months later, none of the offences alleged in this case could have been attributed to the petitioner since the entire acts took place with the full consent and active participation of the victim girl. It



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has to be stated that the vagaries of adolescence have taken the form of criminal offence in the case on hand. Now that neither the victim nor her parents have any complaints against the petitioner. The victim has even stated in the affidavit sworn by her that she is intending to continue her romantic relationship with the petitioner. In such a situation, it would be too harsh and improper to compel the petitioner to face the trial for the offences alleged in this case. The continuance of the prosecution is likely to doom the future of the petitioner. On the other hand, there is every chance of the petitioner and the victim uniting after a few years and commencing a peaceful family life which sprouted out of their romantic relationship, if the prosecution proceedings are terminated. Having regard to the above peculiar facts and circumstances of the case, I am of the view that the request of the victim, and the prayer of the petitioner, to quash the prosecution proceedings against the petitioner, deserve to be allowed.

In the result, the petition stands allowed. The proceedings against the petitioner / accused in S.C.No.1897 of 2023 on the files of the



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Additional Sessions Court (Atrocities and Sexual Violence against Women and Children), Thiruvananthapuram, which arose out of Crime No.336 of 2023 of Chirayinkeezhu Police Station, are hereby quashed.

(sd/-)

G. GIRISH, JUDGE

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