



Cr1.MC Nos.10001/2024, 757/2025 & 760/2025

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2025:KER:84347

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

THURSDAY, THE 6TH DAY OF NOVEMBER 2025 / 15TH KARTHIKA, 1947

CRL.MC NO. 10001 OF 2024

CRIME NO.1214/2024 OF HARIPPAD POLICE STATION, ALAPPUZHA

PETITIONER/S:

AL ANWARSHA
AGED 23 YEARS, S/O SHAJI, S S SHAHANA MANZIL,
KUMARAPURAM PANCHAYATH, POTHAPPALLY SOUTH MURI,
KUMARAPURAM VILLAGE, ALAPPUZHA, PIN - 690548

BY ADVS.
SHRI.BINU BABUKUTTAN
SHRI.VIDHU M.UNNITHAN
SHRI.AROMALUNNI M.S.
SHRI.RATHEESH C.
SHRI.HARI SANKAR V.

RESPONDENT/S:

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

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BY ADV SMT.SURABHI S.
SR.PUBLIC PROSECUTOR-SRI.A.VIPIN NARAYAN,

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06.11.2025, ALONG WITH Cr1.MC.757/2025 AND CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



Cr1.MC Nos.10001/2024, 757/2025 & 760/2025

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2025:KER:84347

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

THURSDAY, THE 6TH DAY OF NOVEMBER 2025 / 15TH KARTHIKA, 1947

CRL.MC NO. 757 OF 2025

CRIME NO.971/2024 OF ERNAKULAM NORTH POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

AL ANWARSHA
AGED 23 YEARS, S/O SHAJI, S S SHAHANA MANZIL,
KUMARAPURAM PANCHAYATH, POTHAPPALLY SOUTH MURI,
KUMARAPURAM VILLAGE, ALAPPUZHA, PIN - 690548

BY ADVS.
SHRI.BINU BABUKUTTAN
SHRI.VIDHU M.UNNITHAN
SHRI.AROMALUNNI M.S.
SHRI.RATHEESH C.
SHRI.HARI SANKAR V.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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

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BY ADV SHRI.AJAI JOHN

OTHER PRESENT:

PUBLIC PROSECUTOR-SMT.BINDU O.V.,

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06.11.2025, ALONG WITH Cr1.MC.760/2025, 10001/2024, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:



Cr1.MC Nos.10001/2024, 757/2025 & 760/2025

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2025:KER:84347

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

THURSDAY, THE 6TH DAY OF NOVEMBER 2025 / 15TH KARTHIKA, 1947

CRL.MC NO. 760 OF 2025

CRIME NO.1880/2024 OF THODUPUZHA POLICE STATION, IDUKKI

PETITIONER/ACCUSED:

AL ANWARSHA
AGED 23 YEARS, S/O SHAJI, S S SHAHANA MANZIL,
KUMARAPURAM PANCHAYATH, POTHAPPALLY SOUTH MURI,
KUMARAPURAM VILLAGE, ALAPPUZHA, PIN - 690548

BY ADVS.
SHRI.BINU BABUKUTTAN
SHRI.AROMALUNNI M.S.
SHRI.VIDHU M.UNNITHAN
SHRI.RATHEESH C.
SHRI.HARI SANKAR V.

RESPONDENTS/STATE & COMPLAINANT:

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

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BY ADV SHRI.AJAI JOHN
PUBLIC PROSECUTOR-SRI.U.JAYAKRISHNAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06.11.2025, ALONG WITH Cr1.MC.757/2025 AND CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



Cr1.MC Nos.10001/2024, 757/2025 & 760/2025

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ORDER

Dated this the 6th day of November, 2025

Petitioner is the sole accused in Crime No.1214/2024 of Harippad Police Station, Alappuzha, Crime No. 971/2024 of Ernakulam North Police Station, Ernakulam and Crime No.1880/2025 of Thodupuzha Police Station, Idukki. All the cases were registered on the basis of the same FIS, as the offence was allegedly committed at different places coming within the jurisdiction of different police stations.

2. The prosecution case is that the accused, after promising to marry the defacto complainant, on 16.5.2024 took her to his residence at Danapadi near Harippad in his motor cycle and committed rape on her on May 16th, 17th and on the subsequent days and then during the period from 15.7.2024 to 17.7.2024 and thereafter he refused to marry her. It is also alleged that on 18.8.2024 when she asked him why he has retracted from the promise to marry, he voluntarily caused hurt to her.

3. According to the learned counsel for the petitioner, even as per the prosecution allegations, the relationship between the petitioner and the defacto complainant was a consensual one. Further according to him, now the matter has been settled with the defacto complainant and therefore, he prayed for quashing all further proceedings against him.



4. The petition was strongly opposed by the learned Public Prosecutor.

5. On a perusal of the FI statement, it can be seen that the petitioner and the defacto complainant became friends while the defacto complainant was a law student and the petitioner was a student in a Polytechnic in the year 2021. Thereafter, in the year 2022, he was staying as a paying guest near the college of the defacto complainant. It is revealed that their relationship was known even to the family members of the defacto complainant. Accordingly, as requested by the petitioner, the defacto complainant went to the residence of the petitioner and stayed along with him in his own room for several days in May 2024. As per the FI statement, it is revealed that thereafter the relationship strained and the defacto complainant questioned his social media chats with other women. It is also alleged that in the meantime, the petitioner received some amount from the defacto complainant and her family.

6. On a perusal of the entire records available at present, it can be seen that the defacto complainant being the lover of the petitioner, went to his residence and stayed along with him for several days and it was during the said period, the alleged incident occurred.

7. In the said circumstances, considering the entire facts, there is every reason to believe that the petitioner and the defacto complainant had sexual relationship with each other with the consent of each other. Moreover, now the



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matter has been settled amicably between the petitioner and the defacto complainant. In the above circumstances, no useful purpose will be served in proceeding further against the petitioner and as such this Criminal MC is liable to to allowed.

8. In the result, this Cr1. M.C is allowed. All further proceedings against the petitioners in Crime No.1214/2024 of Harippad Police Station, Alappuzha, Crime No. 971/2024 of Ernakulam North Police Station, Ernakulam and Crime No.1880/2025 of Thodupuzha Police Station, Idukki, stand quashed under section 528 of B.N.S.S.

Sd/-
C. PRATHEEP KUMAR,
JUDGE

Sou.



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APPENDIX OF CRL.MC 10001/2024

PETITIONER ANNEXURES

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| Annexure 1 | THE CERTIFIED COPY OF THE FIRST
INFORMATION STATEMENT ALONG WITH THE FIS |
| Annexure 2 | TRUE COPY OF THE AFFIDAVIT SWORN BY THE
2ND RESPONDENT AND NOTARISED DATED ON 23RD
DAY OF NOVEMBER, 2024 |