



2023/KER/57023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 25<sup>TH</sup> DAY OF SEPTEMBER 2023 / 3RD ASWINA, 1945

CRL.MC NO. 4466 OF 2022

S.C.No.203 of 2022 on the file of the Fast Track Special Court(Protection of Children from Sexual Offences Act), Punalur

Crime No.1268 of 2021 of Pathanapuram Police Station, Kollam

**PETITIONER/ACCUSED:**

MUNEER A

**RESPONDENTS/COMPLAINANT:**

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031
- 2 XXXXXXXXXXXX  
XXXXXXXXXXXX XXXXXXXXXXXX  
BY SRI.NAHAS H.

**OTHER PRESENT:**

SRI. G SUDHEER (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



## **ORDER**

The petitioner is the accused in Crime No.1268 of 2021 of Pathanapuram Police Station, Kollam, which is now pending as S.C.No.203 of 2022 on the file of the Fast Track Special Court(Protection of Children from Sexual Offences Act), Punalur, alleging commission of offences under Sections 354 and 376 of the Indian Penal Code and Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The allegation against the petitioner is that the petitioner had sexually assaulted the minor victim at a time when she was studying at Plus Two by picking her up from her school in his car and by touching the body parts of the minor victim. It is alleged that the petitioner had committed the offence of rape by having sexual relation with the victim in the year 2019 on several occasions. It is submitted that the allegation of rape is in respect of a



period after the alleged victim attained the age of majority.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim are married and they are living together as husband and wife. It is submitted that the petitioner and the victim got married on 05.06.2023. A copy of the marriage certificate issued under the provisions of the Special Marriage Act is placed before me to establish that marriage between the petitioner and the victim has been solemnized in accordance with the law.

4. The learned Public Prosecutor does not dispute the fact that the petitioner and the victim are now living together as husband and wife.

5. Having heard the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that this is a fit case where, a jurisdiction of this Court under Section 482 of Cr.P.C. can be invoked to quash the proceedings against the petitioner. The allegations against the petitioner that pertain to the period when the victim was a minor is that he had taken the victim to various places in



his car and had touched her inappropriately on several occasions. The allegations of having entered into sexual relationship with the victim relate to a period after the victim attained the age of majority. The petitioner and the victim are now living together as husband and wife. Therefore, no useful purpose will be served by continuing with the prosecution against the petitioner.

Accordingly, this Crl.M.C. is allowed and all further proceedings against the petitioner in S.C.No.203 of 2022 on the file of the Fast Track Special Court(Protection of Children from Sexual Offences Act), Punalur will stand quashed.

Sd/-

**GOPINATH P., JUDGE**

rkj



**APPENDIX OF CRL.MC 4466/2022**

PETITIONER ANNEXURES

Annexure4

TRUE COPY OF BAIL ORDER ISSUED BY THIS  
HONOURABLE COURT DATED 3.01.2022