



2024:KER:93421

Crl.M.C.No.2219/2020

-1:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27<sup>TH</sup> AGRAHAYANA, 1946

CRL.MC NO. 2219 OF 2020

CRIME NO.1958/2019 OF VATTIYOORKAVU POLICE STATION,  
THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

ANAND,  
AGED 29 YEARS,  
S/O.VIJAYAN, LIMA VILLA, B.P.NAGAR,  
PEYAD, THIRUVANANTHAPURAM

BY ADVS.JELSON J.EDAMPADAM  
SMT.JANAKI KRISHNAN A

RESPONDENTS:

1 STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
OFFICE OF THE ADVOCATE GENERAL,  
HIGH COURT OF KERALA, ERNAKULAM

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X

BY ADV SMT.MANJARI G.B.  
SRI. SANAL P. RAJ, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
10.12.2024, THE COURT ON 18.12.2024 PASSED THE FOLLOWING:

**ORDER**

The petitioner is the accused in Crime No.1958/2019 of the Vattiyoorkavu Police Station registered in respect of the commission of offence under Section 376(2)(n) I.P.C and Section 4 read with Section 3, and Section 6 read with Section 5 of the Protection of Children from Sexual Offences Act, 2012. The allegation against the petitioner is that he indulged in sexual intercourse with a 17 year old girl on two occasions.

2. The victim of the crime revealed the above incident when she was produced before the Judicial First Class Magistrate Court-II, Nedumangad on 29.10.2019 pursuant to a woman-missing case registered by the Vattiyoorkavu Police. Accordingly, the Vattiyoorkavu Police registered the case and proceeded with the investigation which eventually resulted in the filing of a final report against the petitioner in connection with the aforesaid offences.

3. In the present petition, the petitioner would contend that the allegations levelled against him are totally false and baseless. In support of the above contention, the petitioner produced the copy of an affidavit sworn by the victim before a Notary Public, stating that



she had given statement implicating the petitioner due to the coercion of the police to submit such a statement. It is also stated in the above affidavit that though the victim had filed an application before the Additional Sessions Court (POCSO) Thiruvananthapuram, submitting the true state of affairs, the said court declined to accept it. On the basis of the above affidavit, the petitioner seeks to quash the proceedings initiated against him in this crime.

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

5. The exceptional powers conferred on this court under Section 482 Cr.P.C. could be exercised to give effect to any order under the Code of Criminal Procedure, to prevent abuse of process of any court and to secure the ends of justice. The case on hand does not come under any such category where the powers under Section 482 Cr.P.C. could be exercised in the contingencies mentioned above. It is not possible to give the stamp of approval of this Court for the settlements which an accused managed to procure in heinous offences like rape and POCSO crimes by winning over the victims or their parents. The termination of prosecution proceedings in such



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cases will be detrimental to the interests of the society. The mere fact that the victim and her parents are not interested in proceeding with the prosecution after the elapse of time, is no reason to wind up the proceedings against the accused. Therefore, the prayer of the petitioner to quash the proceedings in the crime registered against him, cannot be accepted.

In the result, the petition is hereby dismissed.

(Sd/-)

**G. GIRISH, JUDGE**

jsr/DST



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**APPENDIX**

**PETITIONER ANNEXURES**

**ANNEXURE I**

**THE TRUE COPY OF THE FIR IN CRIME  
NO.1958/2019 OF THE VATTIYOORKAVU POLICE  
STATION**

**ANNEXURE II**

**THE TRUE COPY OF THE AFFIDAVIT SWORN BY  
THE 2ND RESPONDENT**