



2026:KER:14272

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 16<sup>TH</sup> DAY OF FEBRUARY 2026 / 27TH MAGHA, 1947

CRL.MC NO. 11344 OF 2025

CRIME NO.41/2022 OF NEDUMBASSERY POLICE STATION, ERNAKULAM

**PETITIONERS:**

XXXXXXXXXX  
XXXXXXXXXX XXXXXXXXXXXX

BY ADVS.  
SHRI.AROMALUNNI M.S.  
SHRI.BINU BABUKUTTAN  
SMT.NIMA MERIYAM KOSHY  
SHRI.ROSHAN KURIAN ROY  
SHRI.ANANTHAKRISHNAN A.

**RESPONDENTS:**

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

2 XXXXXXXXXXXX  
XXXXXXXXXX XXXXXXXXXXXX

BY ADVS.  
SMT.SEENA C., PP  
SMT.HASNA JABIL

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16.02.2026,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



## **ORDER**

**Dated this the 16<sup>th</sup> day of February, 2026**

The petitioner is the accused in crime No.41 of 2022 of Nedumbassery Police Station, which is pending as S.C.No.779 of 2024 on the file of the Fast Track Special Court, Aluva. The offences alleged against him are under Section 57 of the Kerala Police Act, 2011, altered as Sections 363, 354, 354-D(1), 354(D), 376, 376(2)(f), 376(2)(n), 376(E) of the IPC, Sections 4 r/w 3(a), 6 r/w 5(1)(p), 8 r/w 7, 10 r/w 9(n)(p), 12 r/w 11(iv) of the Protection of Children from Sexual Offences Act (PoCSO Act, in short).

2. The prosecution case is that the accused, who is a relative of the defacto complainant, with the intention to satisfy his sexual lust, on 20.01.2022, in the early morning, took her in his scooter to a lodge at Thiruvananthapuram, outraged her modesty and thereafter took her to Kanyakumari and committed penetrative sexual assault since 27.01.2023, impregnated her, and thereby he is alleged to have committed the aforesaid offences.



3. According to the learned Counsel for the petitioner, now the entire dispute between the petitioner and the defacto complainant is settled, and also that the petitioner married the defacto complainant. Therefore, the learned Counsel prayed for quashing all further proceedings against the petitioner.

4. The question whether a crime of aggravated penetrative sexual assault registered under the provisions of the Protection of Children from Sexual Offences Act could be quashed taking note of the fact that the victim was married by the accused was considered by a learned Single Judge of this Court in the decision in **xxxx v. State of Kerala**, 2025 (4) KHC 471. After relying upon various decisions of the Apex Court and High Courts, the learned Judge has culled out seven significant aspects to be looked into. In paragraph No.26 of the above decision, the learned Judge held as follows:

(1) *Unless the criminal proceedings are terminated by quashing the same, there will be utter chaos, confusion and*



*even havoc in the life of the victim who married the accused, and who is leading a happy life. In other words, the life of the victim, the accused and the child, if any, in that relationship will be ruined. Per contra, If the offence is quashed, it will bring in harmony, peace and happiness, thus promoting their family life.*

*(2) Unless, the Court choose to quash the proceedings, the trauma/agony of the child/victim continues, despite a genuine and bonafide settlement.*

*(3) Despite and de-hors a bonafide and genuine settlement culminating in the marriage between the petitioner/accused and the victim, if the criminal proceedings are to continue - thereby compelling the parties to face the trial - the same verge upon abuse of process.*

*(4) The ends of justice is in favour of quashment in such category of cases, since it will be an injustice to separate a well knit family by the continuance of the proceedings.*

*(5) Quashment of the proceedings will result in rendering total and complete justice to the parties.*

*(6) When the crucial witness is the victim, who had married the accused, there exists little chance for her to speak against her own husband/ accused, wherefore, the chances of*



*conviction will be too bleak and remote : 2025:KER:52904 In other words, no fruitful purpose will be served by continuance of the proceedings.*

*(7) Compelling the continuance of a proceedings, which is otherwise settled genuinely and which answers the requirements of the interest of justice will only add to the burden of criminal courts in India, which is otherwise overburdened.*

5. The petitioner has also produced the copy of the certificate of marriage, issued by the Marriage Officer, Alangad, which shows that the petitioner married the defacto complainant on 25.02.2025. In the affidavit filed by the victim she expressed her desire to terminate the prosecution proceedings against the petitioner and also that for preserving the peaceful and happy family life, termination of the proceedings is highly necessary.

6. The learned Public Prosecutor, upon instructions from the investigating officer submitted that the de facto complainant had given statement to the investigating



officer also upon the same terms as that in the affidavit filed before this Court by her.

7. In the decision in ***Mahesh Mukund Patel v. State of U.P., 2025 SCC OnLine SC 614***, the accused married the victim and they were leading a happy married life. It is true that in that case the victim was a major at the time when the offence was committed. However, the fact that the person who was once an assailant, now turned out to be the protector and saviour of the victim was considered as a relevant circumstances to quash the proceeding pending against him.

8. In this case also, the petitioner has already married the victim and now they are leading a happy married life. Therefore, termination of the proceedings against the petitioner in such an exceptional circumstance is highly necessary to maintain the harmonious and peaceful life of the victim who now remains under the care and protection of the petitioner. Therefore, the prayer for



quashing the proceedings against the petitioner deserves favourable consideration.

In the result, this petition is allowed. The proceedings against the petitioner in S.C.No.779 of 2024 on the file of the Fast Track Special Court, Aluva, arising out of Crime No.41 of 2022 of Nedumbassery Police Station, is hereby quashed.

**Sd/-**

**C.PRATHEEP KUMAR**

**JUDGE**