

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN

THURSDAY, THE 1ST DAY OF NOVEMBER 2012/10TH KARTHIKA 1934

Crl.MC.No. 3177 of 2012 ()

.NO./ IN CC.429/2012 of JUDICIAL FIRST CLASS MAGISTRATE ,KASARAGOD

PETITIONER(S)/ACCUSED:-:

ARUN A.PILLAI,, AGED 26 YEARS
S/O.AYYAPPAN PILLAI, GENASHA VILASAM
MANYILKULANGARA, THIRUMULLAVARAM P.O.
KOLLAM DISTRICT.

BY ADVS.SRI.C.RAJENDRAN
SMT.R.S.SREEVIDYA

COMPLAINANT(S)/COMPLAINANT AND STATE:-:

1. JEENA CHACKO,, AGED 29 YEARS
D/O.C.C.CHACKO, CHUZHANAYIL VEEDU, PANAYAMPALA
KARUKACHAL P.O., KOTTAYAM DISTRICT - 686 540.
2. STATE OF KERALA,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM DISTRICT - 682 031.

R1 BY ADV. SRI.P.B.AJOY
R2 BY PUBLIC PROSECUTOR SRI.R.RANJITH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-11-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONER(S) ANNEXURES

- ANNEXURE A1. A TRUE PHOTOCOPY OF THE PRIVATE COMPLAINT.
- ANNEXURE A2. THE CERTIFIED COPY OF THE FIR IN CRIME NO.200/2011 OF KUMBALA POLICE STATION.
- ANNEXURE A3. THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.200/2011 OF KUMBALA POLICE STATION.
- ANNEXURE A4. A TRUE COPY OF THE PETITION IN O.P.NO.35/2011 FOR DECREE OF DIVORCE BEFORE THE FAMILY COURT, KASARAGOD.

RESPONDENTS' ANNEXURES :NIL

\\ TRUE COPY \\

PA TO JUDGE

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S.S.SATHEESACHANDRAN,J.

CrI.M.C. NO. 3177 of 2012

Dated this the 01st day of November, 2012

ORDER

Petitioner is the accused in a pending case numbered as C.C. No.429 of 2012 on the file of the Judicial First Class Magistrate-I, Kasaragod. He is being prosecuted for offences punishable under Sections 498 A and 494 of the Indian Penal Code, on a report filed by the Sub Inspector of Police, Kumbala Police Station. Crime registered in the above case arose on a complaint given by the first respondent who is alleged to have been married by the petitioner on 07.12.2005 in a temple. There was no valid marriage between the parties since the petitioner is a Hindu and the de facto complainant, a Christian, is the submission of the counsel to contend that both the offences imputed against him in the case would not lie. Perusing the Annexures produced with the petition it is seen a crime was initially registered against three persons including the petitioner for

various offences including an offence under Section 376 of the Penal Code. After investigation, petitioner alone is indicted for the offences stated supra. The question whether the marriage, if any, entered by the petitioner with the de facto complainant has legal sanctity or otherwise cannot be decided by this court in a proceeding under Section 482 of the Code of Criminal Procedure without reference to and examining the materials connected with and produced by the police. If at all the petitioner has got any sustainable ground to contend that the charges imputed against him are groundless since the case demands a trial as warrant case, petitioner can no doubt canvass his plea under Section 239 of the Code of Criminal Procedure, provided that stage is not over.

Reserving his right to do so, the petition is dismissed.

**S.S.SATHEESACHANDRAN
JUDGE.**

DMR/-