

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 63 OF 2019
[@ Special Leave to Appeal (Cr1.) No(s). 851/2014]**

RAJESH

Appellant(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

O R D E R

Leave granted.

By an order dated 24.10.2013, the High Court refused to quash the proceedings in Crime No. 290/2008 for offences punishable under Sections 363, 342, 420, 506(i) read with Section 34 of the IPC which is pending as CC No. 12/2009 before the Judicial First Class Magistrate Court - II, Thamarassery.

Respondent No.2 complained that she was cheated by the appellant and was wrongfully confined. She also alleged that she was not permitted to contact her family.

We have perused the statement made by respondent No.2 before the Judicial Magistrate of First Class II, Kozhikode on 28.06.2008. When she was produced in the Court, she categorically stated that she was not kidnapped by anybody. She further stated that she had accompanied the appellant voluntarily and got married on 26.06.2008 in a temple at Angadipuram. She also deposed that both of them lived in

the house of the appellant's elder sister.

In the facts and circumstances of the case, we are of the opinion that the proceedings in CC No. 12/2009 before the Judicial First Class Magistrate Court - II, Thamarassery are liable to be quashed and we do so.

Accordingly, the criminal appeal is disposed of.

.....J.
[L. NAGESWARA RAO]

.....J.
[M.R. SHAH]

NEW DELHI;
JANUARY 11, 2019

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRIMINAL APPEAL NO. 63 OF 2019 @ Petition(s) for Special Leave to Appeal (Crl.) No(s). 851/2014

(Arising out of impugned final judgment and order dated 24-10-2013 in CRLMC No. 96/2011 passed by the High Court Of Kerala At Ernakulam)

RAJESH

Appellant(s)

VERSUS

STATE OF KERALA & ORS.
(Exemption from filing O.T. and stay)

Respondent(s)

Date : 11-01-2019 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAHFor Petitioner(s) Mr. Pravir Chowdhury, Adv.
Ms. Babita Sant, Adv.
Ms. Malini Poduval, AORFor Respondent(s) Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The criminal appeal is disposed of in terms of the signed order.

Pending application is disposed of.

(MEENAKSHI KOHLI)
COURT MASTER(KAILASH CHANDER)
ASSISTANT REGISTRAR

[Signed order is placed on the file]