



2025 INSC 1243

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CRL.) NO.17845 OF 2024)

X

APPELLANT(S)

VERSUS

STATE OF KERALA & ANOTHER

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CRL.) NO.18408 OF 2024)

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. As similar facts are involved in both the appeals, they are disposed of by this common order. In both the appeals, the appellant is the accused in FIR No.333/2022 dated 24.05.2022 registered at Balussery Police Station, Kozhikode, and Respondent No.2 is the prosecutrix.

3. Briefly stated, the facts of the case are that the prosecutrix filed a complaint on 24.05.2022 before Balussery Police Station,

Kozhikode stating that her marriage with one Najeeb was solemnized on 05.12.2010 and she had two children out of the wedlock. She and her husband were living separately for the last six years and a divorce proceeding was pending before the concerned Family Court. She stated that the appellant/accused was helping her with the litigation when one day in the month of December 2017, he invited her to his house, took her to his bedroom, and subjected her to sexual intercourse forcefully against her will. She also stated that the accused had taken her photographs and had threatened to forward them to her husband in case she disclosed the incident to anybody. She further stated that on several occasions in the year 2018, the accused promised to marry her and committed sexual intercourse by inviting her to his friend's house. Thereafter, relying on his promise to marry, the prosecutrix stayed with the accused several times at resorts in the year 2022. Furthermore, she stated that the accused had obtained Rs.3,54,000 and gold ornaments worth 2.5 sovereign from the prosecutrix on different occasions and when the prosecutrix demanded their return, the accused refused to return the same and had thus cheated her.

4. Based on the above complaint, FIR No.333/2022 dated 24.05.2022 was registered at Balussery Police Station, Kozhikode,

alleging offences under Sections 376(2)(n), 406, and 506 of the Indian Penal Code, 1860 [hereinafter “IPC”].

5. Apprehending arrest in connection with the above FIR, the appellant filed an application being Bail Application No.4814/2022 seeking anticipatory bail before the High Court of Kerala. However, the High Court, *vide* impugned order dated 06.07.2022, dismissed the application noting that as allegation of rape is specifically stated in the complaint, the same requires custodial interrogation. Aggrieved by the said order, the appellant has preferred the present criminal appeal arising out of SLP (Crl.) No.18408/2024.

6. Thereafter, the appellant filed Criminal Miscellaneous Case (Crl. MC No.4857/2022) before the High Court of Kerala under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.333/2022. The High Court, *vide* impugned order dated 08.11.2024, dismissed the petition noting that the allegations require investigation and therefore, interference in the FIR could not be quashed at that stage. Aggrieved by the above order, the appellant has preferred the present criminal appeal arising out of SLP (Crl.) No.17845/2024.

7. By order dated 19.12.2024, this Court issued notice in the aforesaid case and ordered that no coercive steps be taken as against the appellant herein. Thereafter, on 20.03.2025, the Court granted liberty to the parties to arrive at an amicable settlement. On 21.07.2025, the appellant submitted before this Court that in order to give a quietus to the entire dispute, he is willing to return the amount as well as the gold ornaments. Further, on 18.08.2025, the appellant submitted that he shall deposit the amount of Rs.3,54,000 before the concerned Trial Court within a period of three weeks and is also willing to return the gold ornaments to the prosecutrix or her father with an appropriate acknowledgement.

8. We have heard learned counsel for the parties.

9. We order that the amount of Rs.3,54,000/- (Rupees Three Lakhs and Fifty Four Thousand Only) which is deposited by the appellant(s) herein before the Trial Court (Judicial Magistrate of First Class-II, Perambra) shall be permitted to be withdrawn either by the second respondent or the nominee of the second respondent. If such an application is made on behalf of the second respondent, the same shall be released to the second respondent or her nominee after due verification.

10. Gold weighing 20.040 grams weight which the appellant(s) is willing to return to the second respondent, shall be deposited before the Registrar General of the Kerala High Court.

11. Learned Registrar General, Kerala High Court to receive the aforesaid gold from the appellant(s) and retain the same in safe custody. The said gold shall be released either to the second respondent or to her nominee. In the event a request by way of an application is made by the second respondent or her nominee for release of the said gold, learned Registrar General, Kerala High Court shall then handover/release the said gold to the second respondent or her nominee after due verification.

12. The appeal arising out of SLP (Crl.) No.17845/2024 is allowed in the aforesaid terms.

13. Consequently, the appeal arising out of SLP (Crl.) No.18408/2024 is disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

.....,J.
(B.V. NAGARATHNA)

.....,J.
(R. MAHADEVAN)

**NEW DELHI;
SEPTEMBER 15 , 2025.**