



2025:KER:19575

Crl.M.C.No.603/2019

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 10TH DAY OF MARCH 2025 / 19TH PHALGUNA, 1946

CRL.MC NO. 603 OF 2019

TO QUASH THE PROCEEDINGS IN ANNEXURE C FINAL REPORT AND IN
CC NO.174 OF 2015 PENDING TRIAL ON THE FILES OF JUDICIAL
MAGISTRATE OF FIRST CLASS, KODUNGALLUR

PETITIONERS/ACCUSED NOS.2 TO 4:

- 1 FATHIMA, AGED 66 YEARS
W/O. AHAMMEDUNNI, PADINJAREVEETIL VEEDU, KADAUKKACHUVADU
DESOM, METHALA, KODUNGALLUR
- 2 RAHINA, AGED 46 YEARS
W/O. SIDHEEQUE, KURUPPAMPALATH VEEDU, EDAVANAKAD, ERNAKULAM
DISTRICT
- 3 RIJA, AGED 42 YEARS
W/O. NISHAD, THOTTUNGAL VEEDU, OTTAPALAM PALAKKAD

BY ADV MANSOOR.B.H.

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031
- 2 STATION HOUSE OFFICER, KODUNGALLUR POLICE STATION, THRISSUR
DISTRICT - 680 664
- 3 JULAISA, AGED 27 YEARS, D/O. JAMAL, VATTAPARAMBIL VEEDU,
KARICHAMKULAM DESOM, LOKAMALESWARAM,
KODUNGALLUR - 680 664

SMT.SEENA.C, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06.03.2025, THE COURT ON 10.03.2025 PASSED THE FOLLOWING:

**ORDER**

Accused Nos.2 to 4 in C.C.No.174/2015 on the files of the Judicial First Class Magistrate Court, Kodungallur have filed this petition under Section 482 Cr.P.C to quash the proceedings against them in the said case. The charge against them is that they committed the offence under Sections 498A, 406 and 420 I.P.C read with Section 34 I.P.C.

2. The case originated on a complaint filed by the third respondent before the learned Magistrate alleging that the accused Nos.1 to 4 who are her husband, mother-in-law and sister-in-laws, have subjected her to cruelty in the name of dowry, and that they have also misappropriated the money and gold ornaments belonging to her. The aforesaid complaint was forwarded to the Kodungallur Police under Section 156(3) Cr.P.C. After the completion of the investigation, the S.I of Police, Kodungallur filed final report against the husband of the third respondent alone. The third respondent thereupon approached the District Police Chief for further investigation alleging that the accused Nos.2 to 4, who are the



petitioners herein, have been wrongfully excluded by the Investigating Officer. As per the directions of the District Police Chief, a further investigation was conducted on this matter, and another final report was filed arraigning the petitioners herein as accused Nos.2 to 4, along with the husband of the third respondent arraigned as the first accused. The learned Magistrate took cognizance of the offence and issued summons to all accused to answer the charges under Sections 498A, 406 and 420 I.P.C read with Section 34 I.P.C. Now the petitioners seek to quash the proceedings against them stating the reason that nothing has been brought out to show the involvement of the petitioners in the aforesaid offences.

3. The third respondent was duly served with notice. She did not choose to appear before this Court or to file any counter. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing respondents 1 and 2.

4. As already stated above, the genesis of this case was from a complaint filed by the third respondent before the Judicial First Class Magistrate Court, Kodungallur. The copy of the aforesaid



complaint is produced by the petitioners as Annexure-A. It could be seen from Annexure-A that there is only a sweeping generalised allegation against the petitioners herein about the alleged act of cruelty meted out to the third respondent. The grievance of the third respondent as against the petitioners herein is that the first accused had been subjecting her to cruelty with the support of the petitioners. However, apart from superficial allegations pertaining to the consent and concurrence of the petitioners in subjecting the third respondent to cruelty, Annexure-A complaint does not contain the requisite particulars to attribute the offences under Sections 498A, 406 and 420 I.P.C against the petitioners herein. Probably, that might be the reason why the investigating agency excluded the petitioners from the array of accused at the time when they filed the final report for the first time.

5. During the course of the further investigation, the Investigating Officer recorded additional statements of the third respondent and her mother. In the above statements, the third respondent and her mother had stated that the petitioners herein were also involved in the alleged act of cruelty perpetrated upon the



third respondent. According to the third respondent, in her additional statement given to the Investigating Officer, her money and gold ornaments were misappropriated by the first accused for the purchase of landed property in the name of the first accused and the first petitioner herein. As against the second petitioner, the allegation is that she had been remaining in the house where the third respondent has been residing, almost throughout the year, and used to instigate the first accused to ill-treat the third respondent. The third petitioner is alleged to have joined the other petitioners in subjecting the third respondent to mental torture whenever she came to the house where the third respondent was residing along with the first and second petitioners. It is not possible to say that the offences under Section 498A, 406 and 420 I.P.C would be brought out from the above generalised and superficial allegations. The Apex Court has time and again cautioned the courts of the country to be cautious about unnecessary prosecutions launched against the in-laws for the sole purpose of humiliating them as an act of reprisal of the matrimonial grudge with the husband of the complainant. In **Kahkashan Kausar @ Sonam and Others v.**



State of Bihar and Others [2022 (6) SCC 599], the Apex Court has held that general and omnibus allegations made out on account of small skirmishes cannot be the basis for initiating proceedings for the commission of offences under Section 498A I.P.C against the in-laws. In the aforesaid decision, the Apex Court had made it clear that courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes, and that the relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out. In **Preeti Gupta and Another v. State of Jharkhand and Another [(2010) 7 SCC 667]** the Apex Court had held that the courts have to be extremely careful and cautious in dealing with the complaints implicating the relatives of the husband for matrimonial cruelty and that pragmatic realities are to be taken into consideration while dealing with such cases. It is further held thereunder that the allegations in the complaint are to be scrutinised with great care and circumspection since the experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the



parties. As far as the present case is concerned, it is not possible to conclude on the basis of the available materials on record that the allegations of cruelty, cheating and criminal breach of trust are made out against the petitioners in connection with the matrimonial discord between the third respondent and the first accused. Therefore, the prayer for quashing the proceedings against the petitioners, is well-founded.

In the result, the petition stands allowed. The proceedings against the petitioners/accused Nos.2 to 4 in C.C.No.174/2015 on the files of the Judicial First Class Magistrate Court, Kodungallur are hereby quashed.

(Sd/-)

G. GIRISH, JUDGE



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APPENDIX OF CRL.MC 603/2019

PETITIONER ANNEXURES

- ANNEXURE A COPY OF THE PRIVATE COMPLAINT CMP 13860/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR
- ANNEXURE B COPY OF THE FINAL REPORT IN CRIME NO.3233/2014 OF KODUNGALLUR POLICE STATION
- ANNEXURE C COPY OF THE FINAL REPORT AFTER FURTHER INVESTIGATION IN CRIME NO.3233/2014 OF KODUNGALLUR POLICE STATION