



2026:KER:75952

Crl.M.C Nos.6904/2025 & 1647/2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 5TH DAY OF OCTOBER 2026 / 13TH ASWINA, 1948CRL.MC NO. 1647 OF 2024

CRIME NO.64/2022 OF CHOTTANIKKARA POLICE STATION, ERNAKULAM
CC NO.17 OF 2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHOTTANIKKARA

PETITIONER/ACCUSED NO.4

BY ADVS.
SRI.GEO PAUL
SRI.S.ASHOK KUMAR.
SRI.C.R.PRAMOD
SHRI.JACOB GEORGE PALLATH
SHRI.NAVEEN T.U.
SHRI.HARIKRISHNAN A.S.
SHRI.AKSHAI.K.R.
SHRI.C.B.GAUTHAM

RESPONDENTS/STATE & INVESTIGATING OFFICER:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
PIN - 682031
- 2 SUB INSPECTOR OF POLICE
CHOTTANIKKARA POLICE STATION, PIN - 682312
- 3



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BY ADVS.

SHRI.R.HARIKRISHNAN (KAMBISSERIL) FOR R3

SRI.DENNY VARGHESE

SHRI.LIJO RAJU

SRI.NEERAJ NARAYAN

SRI.RAJEE P.MATHEWS SR.PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30.09.2026, ALONG WITH CrI.MC.6904/2025, THE COURT ON
05.10.2026 PASSED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 5TH DAY OF OCTOBER 2026 / 13TH ASWINA, 1948CRL.MC NO. 6904 OF 2025

CRIME NO.64/2022 OF CHOTTANIKKARA POLICE STATION, ERNAKULAM
CC NO.17 OF 2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHOTTANIKKARA

PETITIONERS/ACCUSED NOS.2 & 3:

1

2

BY ADVS.
SRI.GEO PAUL
SRI.C.R.PRAMOD
SHRI.JACOB GEORGE PALLATH
SHRI.NAVEEN T.U.
SHRI.HARIKRISHNAN A.S.
SHRI.C.B.GAUTHAM
SMT.MARIYAM MATHEWS

RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY SUB INSPECTOR, ERNAKULAM CENTRAL POLICE
STATION BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN
- 682031

2



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BY ADVS.
SHRI.R.HARIKRISHNAN (KAMBISSERIL)
SRI.DENNY VARGHESE
SHRI.LIJO RAJU
SRI.NEERAJ NARAYAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30.09.2026, ALONG WITH CrI.MC.1647/2024, THE COURT ON
05.10.2026 PASSED THE FOLLOWING:



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ORDER

The accused Nos.2 and 3 in Crime No.64/2022 of Chottanikkara Police Station are the petitioners in Crl.M.C No.6904/2025. The 4th accused in the aforesaid crime is the petitioner in Crl.M.C No.1647/2024. All of them face criminal prosecution for the commission of offence under Section 498A r/w Section 34 I.P.C.

2. The prosecution case is that the accused Nos.2 and 3, who are the father and mother of the first accused, and accused No.4, who is the brother of the first accused, had subjected the de facto complainant, who is the wife of the first accused, to cruelty on the issue of insufficient dowry brought by her. The case was registered on the basis of the complaint preferred by the de facto complainant before the SHO of Police, Chottanikkara Police Station. After the completion of the investigation, the Inspector of Police, Chottanikkara Police Station laid the final report alleging the commission of offence under Section 498A r/w Section 34 I.P.C.

3. In these petitions, the petitioners would contend that they are totally innocent and that they have been falsely implicated in this



case. According to the petitioners, there are no specific allegations of cruelty against them, to constitute the offence under Section 498A I.P.C. For the above reasons, the petitioners seek to quash the proceedings against them in the aforesaid case.

4. Heard the learned counsel for the petitioners, the learned counsel for the de facto complainant, and the learned Public Prosecutor representing the State of Kerala.

5. Crl.M.C No.1647/2024 was earlier allowed by this Court, and the proceedings against the petitioner therein (4th accused) was quashed by the order dated 11.06.2025. However, the aforesaid order was later on recalled as per the order dated 30.09.2026, upon an application filed by the de facto complainant contending that the said order was passed without hearing her.

6. According to the learned counsel for the petitioners, there are only vague and superficial allegations against them in the complaint preferred by the de facto complainant, and hence they are not liable to be prosecuted for the commission of offence under Section 498A I.P.C. Per contra, it is argued by the learned counsel for the de facto complainant and the learned public prosecutor that



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Annexure-A1 complaint, which the de facto complainant preferred before the SHO of Police, Chottanikkara Police Station, contains clear and categorical allegations constituting the aforesaid offence.

7. In Annexure-A1 complaint, the de facto complainant has alleged that her husband's parents and elder brother used to torture her, stating that the dowry procured by her was meagre. Further, there is the allegation that the above accused compelled her to abort her pregnancy. It is also stated that she was taken to a clinic and insisted for consuming certain tablets by misrepresenting that those medicines are vitamin tablets. According to the de facto complainant, after consuming the above tablets, her pregnancy got aborted. In addition to the aforesaid allegation, the de facto complainant has stated that she was considered only as a servant at her matrimonial home by the petitioners.

8. As regards the accusation against the petitioner in Crl.M.C No.1647/2024, it has to be stated that the above petitioner is alleged to have acted in concert with the other accused, in subjecting the de facto complainant to cruelty as stated above. Apart from superficial allegation to the effect that the above petitioner, along with the



petitioners in Crl.M.C No.6904/2025, subjected her to harassment, there is no specific allegation pertaining to the overt act committed by the above petitioner, which would constitute the offence of cruelty envisaged under Section 498A I.P.C. As regards the accusation of carrying out abortion without the consent of the de facto complainant, the Gynaecologist concerned who terminated the pregnancy had given statement to the effect that the abortion was done with the full consent of the de facto complainant. In the other domestic incidents of mental cruelty alleged to have been meted out to the de facto complainant, it is only a vague collective role which is attributed against the petitioner in Crl.M.C No.1647/2024. Thus, it has to be stated that the above said superficial accusations levelled against the petitioner in Crl.M.C No.1647/2024, are not sufficient to bring home the offence of matrimonial cruelty attributed against him.

9. As regards the accusation against the petitioners in Crl.M.C No.6904/2025, there are specific allegations of mental cruelty of very serious nature attributed against them in Annexure-A1 complaint. According to the de facto complainant, the petitioners in Crl.M.C No.6904/2025 treated her as a servant, and used to introduce her to



others as a servant without wages at their residence. It is also alleged that the above petitioners often insulted her by saying that the second petitioner was afflicted with cancer since the de facto complainant came to their residence. The de facto complainant is also said to have been depicted by the above petitioners as a cancer in their life. There are also multiple incidents of matrimonial cruelty attributed against the petitioners in Crl.M.C No.6904/2025, in connection with the mental torture allegedly perpetrated upon the de facto complainant for her failure to bring sufficient dowry. Thus, prima facie, the accusations in the above regard are sufficient to constitute the offence under Section 498A I.P.C. However, the truth or falsity of the aforesaid accusations are to be tested in the trial to be conducted before the learned Magistrate. At any rate, the above petitioners cannot be exonerated from the criminal liability at this stage of the proceedings, that too, by invoking the powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the result,

(i) Crl.M.C No.1647/2024 stands allowed, and the proceedings against the petitioner therein (4th accused) in C.C



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No.17/2023 on the files of the Judicial First Class Magistrate Court, Chottanikkara, are hereby quashed.

(ii) Crl.M.C No.6904/2025 is hereby dismissed. However, considering the old age of the petitioners therein (accused Nos.2 and 3), the learned Magistrate shall grant permanent exemption to the above accused, and insist on their personal appearance only on such occasions where it is inevitable for the further progress of the trial.

(sd/-)

G. GIRISH, JUDGE

jsr



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APPENDIX OF CRL.MC NO. 1647 OF 2024

PETITIONER ANNEXURES

Annexure A1

TRUE COPY OF THE FINAL REPORT OF THE
CHOTTANIKKARA PS IN CRIME 64/2022 WHICH WAS
TAKEN ON FILES BY THE HONOURABLE JUDICIAL
FIRST CLASS MAGISTRATE COURT AT CHOTTANIKKARA
AS CC 17/2023



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APPENDIX OF CRL.MC NO. 6904 OF 2025

PETITIONER ANNEXURES

Annexure A1	THE TRUE COPY OF THE FIR AND FI STATEMENT IN CRIME NO.64/2021, CHOTTANIKARA POLICE STATION DATED 01.02.2022
Annexure A2	THE TRUE COPY OF THE FINAL REPORT IN C.C.NO.17 OF 2023 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHOTTANIKKARA DATED 03.06.2022
Annexure A3	THE TRUE COPY OF THE JUDGMENT DATED 11-06-2025 IN CRIMINAL.M.C.NO.1647 OF 2024, BEFORE THIS HON'BLE COURT