

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Cri.MC.No. 6602 of 2013 ()

AGAINST THE ORDER/JUDGMENT IN CC 500/2013 of J.M.F.C.-I, MUVATUPUZHA
CRIME NO. 394/2012 OF PIRAVAM POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED:

ANILKUMAR, AGED 36 YEARS
S/O.KRISHNAN KUTTY NAMBIAR, NAMBIAR MADAM
ONAKKOOR P.O., PIRAVOM, PIN-686667
ERNAKULAM DISTRICT.

BY ADVS.SRI.N.HARIDAS
SRI.ANTONY MATHEW

RESPONDENT(S)/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SREELAKSHMI V.N., AGED 28 YEARS
D/O.NARAYANAN NAMBEESAN, SATHYANARAYANA
VELUTHOOR P.O., THRISSUR-680016.

R BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-A1 TRUE COPY OF THE AGREEMENT DTD 26.5.2012 EXECUTED BETWEEN THE PETITIONER AND R2.

ANNEXURE-A2 TRUE COPY OF THE JOINT PETITION SEEKING DIVORCE FILED BY THE PETITIONER AND R2 BEFORE THE FAMILY COURT, MUVATTUPUZHA

ANNEXURE-A3 TRUE COPY OF THE COMPLAINT SUBMITTED BY R2 BEFORE THE PIRAVAM POLICE.

ANNEXURE-A4 TRUE COPY OF THE LETTER GIVEN BY R2 TO PIRAVAM POLICE ON 25.6.2012.

ANNEXURE-A5 TRUE COPY OF THE JUDGMENT DTD 9.7.2012 IN WP.CRL.331/2012.

ANNEXURE-A6 TRUE COPY OF THE OP.885/2012 OF FAMILY COURT, MUVATTUPUZHA

ANNEXURE-A7 TRUE COPY OF THE JUDGMENT DTD 18.7.2013 IN OP.885/2012 OF FAMILY COURT, MUVATTUPUZHA

ANNEXURE-A8 SERIES TRUE COPY OF THE DAIRY WRITINGS OF R2 WHICH IS ADMITTED AND MARKED IN OP.885/2012 BEFORE FAMILY COURT, MUVATTUPUZHA

ANNEXURE-A9 TRUE COPY OF THE COMPLAINT DTD 22.9.2012 FILED BY R2 BEFORE THE JFCM, MUVATTUPUZHA

ANNEXURE-A10 TRUE COPY OF THE CHARGE SHEET DTD 24.8.2013 IN CRIME NO.394/2012 BEFORE THE JFCM , MUVATTUPUZHA

RESPONDENTS' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.6602 of 2013
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Dated this the 18th day of December, 2015

O R D E R

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Heard learned counsel for the petitioner.

2. Petitioner is the sole accused in CC No.771/2014 of the Judicial First Class Magistrate's Court, Piravom, which was originally pending as CC No.500/2013 before the Judicial First Class Magistrate's Court, Muvattupuzha, for the offence punishable under Section 498A IPC. Petitioner is the husband of the de facto complainant. The allegation against the petitioner is that he had treated the de facto complainant with cruelty by demanding dowry as well as by maintaining a claim that she was not fair enough to be the wife of the petitioner.

3. According to the learned counsel for the

petitioner, earlier, the 2nd respondent wife had preferred Annexure-A3 complaint before the Circle Inspector of Police, Piravom and in that complaint, no allegations regarding the demand of dowry was forwarded. On going through Annexure-A3 complaint, it seems that the situation is more worse. Very serious allegations are levelled against the petitioner in Annexure-A3.

4. According to the learned counsel for the petitioner, no specific allegations are levelled against the petitioner in the present final report. Final report is filed on the basis of the investigation conducted by the investigating officer. Statements have been recorded. It is too early to say that there are no allegations against the petitioner in a matter like this. If we go by Annexure-A3, there were very serious allegations against the petitioner. At the same time, in case the petitioner maintains a case that there are no allegations in this case to constitute an offence punishable under Section 498A IPC, the petitioner can moot the said

question before the court below at the stage of Section 239 Cr.P.C.

With liberty to the petitioner to have recourse to the appropriate proceedings at the stage of Section 239 Cr.P.C., this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/12

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PA to Judge