

N THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.Rev.Pet.No. 415 of 2015

CMP 4669/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, KANNUR

REVISION PETITIONER/COMPLAINANT :-

**MANEESHA C. MOHAN,
D/O.MOHANDAS, AGED 25 YEARS,
"MANASA SARASS"
ELAYAVOOR AMSOM, KEEZHUTHALLI DESOM,
P.O.THAZHE CHOVVA, KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S)/RESPONDENT:-:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682 031.**

ADDITIONAL R2 TO R4 IMPEADED.

**ADDL.R2. K.KRISHNAN, RETIRED TEACHER,
AGED 63 YEARS, RESIDING AT "GOURI SANKARAM",
KATHIROOR AMSOM, POONNYAM WEST DESOM,
MALAL, P.O.PONNYAM WEST,
KANNUR DISTRICT - 670 641.**

**ADDL.R3. PRAKASHINI, W/O.K.KRISHNAN,
AGED 56 YEARS, RESIDING AT "GOURI SANKARAM",
KATHIROOR AMSOM, POONNYAM WEST DESOM,
MALAL, P.O.PONNYAM WEST,
KANNUR DISTRICT - 670 641.**

**ADDL.R4. AMBILI, D/O.K.KRISHNAN,
AGED 27 YEARS, RESIDING AT "GOURI SANKARAM",
KATHIROOR AMSOM, POONNYAM WEST DESOM,
MALAL, P.O.PONNYAM WEST,
KANNUR DISTRICT - 670 641.**

**WE IMPEADED AS ADDL.R2 TO ADDL.R4 AS PER ORDER DATED 20.01.2015 IN
CRL.M.A.40/2015**

R1 BYSMT.V.H.JASMINE, PUBLIC PROSECUTOR

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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Crl.R.P.No.415 of 2015

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Dated this the 22nd day of July, 2015

ORDER

The revision petitioner herein is the complainant in C.M.P. No.4669 of 2012 of the Judicial First Class Magistrate Court-I, Kannur. She brought the said complaint alleging the offence under Section 498A of the Indian Penal Code against her husband and the in-laws. After conducting necessary enquiry, the learned Magistrate took cognizance only against the husband of the complainant, and dismissed the complaint as against the in-laws by order dated 13.09.2013. The said order dismissing the complaint as against the in-laws is under challenge in this revision.

2. On hearing the learned counsel and on a perusal of the materials including the complaint filed by the revision petition in the trial court, I find that the complaint as against the in-laws was rightly dismissed by the learned Magistrate. I find that the definite allegations made by the complainant in her complaint are only against the first accused, who is her husband. The complaint contains only casual allegations against the in-laws, that when the

husband illtreated her, the in-laws maintained an indifferent attitude. This is not sufficient to prosecute them under Section 498A of the Indian Penal Code. Here I find no definite material against the in-laws. To bring a prosecution under Section 498A of IPC against the husband or the in-laws, there must be a definite allegation of mental or physical harassment by a course of cruel conduct. Such definite allegations are not seen in the complaint made by revision petitioner. I find no scope to interfere in the order passed by the learned Magistrate.

In the result, this Criminal Revision Petition is dismissed in limine, without being admitted to files.

Sd/-
P.UBAID
JUDGE

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P.A. TO JUDGE