

Sebastain Joseph Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Jan. 16, 2025

Acts Referred: Code of Criminal Procedure, 1973 " Section 482
Indian Penal Code, 1860 " Section 34, 498A

Hon'ble Judges: G.Girish, J

Bench: Single Bench

Advocate: Philip T.Varghese, Achu Subha Abraham, V.T.Litha, K.R.Monisha, Shruthi Sara Jacob, Thomas T Varghese, Manu Ramachandran, M.Kiranlal, T.S.Sarath, R.Rajesh, Sudheer G.

Final Decision: Allowed

Judgement

G.Girish, J

1. Accused Nos.2 to 7 in Crime No.2451/2020 of the Anchal Police Station have filed this petition under Section 482 Cr.P.C to quash the F.I.R

registered in the said crime, and the proceedings initiated thereafter against them. The crime relates to the commission of offence under Section 498A

I.P.C read with Section 34 I.P.C. It is stated that the final report has been filed by the S.I of Police, Anchal in this crime, and the case has been

numbered by the Judicial First Class Magistrate Court-I, Punalur as C.C.No.735/2021.

2. The first accused is the husband of the de facto complainant, who lodged the complaint against him and the present petitioners alleging the

commission of offence under Section 498A I.P.C. The first petitioner herein, who is the second accused in the crime, is the father of the first accused.

Petitioners 2, 3 and 5 are respectively the mother and brothers of the first accused. Petitioners 4 and 6 are respectively the wives of the petitioners 3

and 5.

3. According to the petitioners, the offence under Section 498A I.P.C is not attracted, as against them, even if the allegations in the final report filed

by the investigating agency is accepted in totality.

4. Heard the learned counsel for the petitioners, the learned counsel for the second respondent, (de facto complainant) and the learned Public

Prosecutor representing the State of Kerala.

5. It is seen from the first information statement given by the de facto complainant that the accusation against the petitioners herein is that she was

subjected to discrimination by them at the house of her husband for the reason that the dowry brought by the de facto complainant was meagre. There

is also the accusation that the petitioners made innuendos in their talks insulting the de facto complainant for her failure to bring dowry which would

behave the status of the family of the first accused. The insinuation in the above regard is apparently of superficial nature which cannot be considered

as sufficient to attribute the commission of offence under Section 498A I.P.C against the petitioners. It is well settled that when the allegations in the

final report and the accompanying records are not sufficient to bring out the offence attributed thereunder, the persons against whom the investigating

agency has resorted to prosecution on the basis of such records, are entitled to seek the intervention of this Court under Section 482 Cr.P.C to quash

the proceedings against them. Having regard to the facts and circumstances of the present case, I am of the view that the generalised and superficial

allegations in the final report and the accompanying records relied on by the prosecution are not sufficient to bring home the offence under Section

498A I.P.C as against the petitioners herein. Therefore, the petitioners are fully justified in seeking the quashment of proceedings against them.

In the result, the petition stands allowed. The proceedings in C.C.No.735/2021 on the files of the Judicial First Class Magistrate Court-I, Punalur, as

against the petitioners herein (accused Nos.2 to 7), are hereby quashed.