

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR

Present: Kum. Lakshmipriya. T. K.,
Judicial First Class Magistrate.

Thursday, the 19th day of March, 2026/28th day of Phalguna, 1947

CALENDER CASE No.848/2023

Complainant : The SHO, Pariyaram MC Police Station,
Crime No.408/2023

(By APP Grade – I, Payyannur)

Accused : 1. Muhammed Irfad. T. K.,
S/o Ibrahim K, Aged 28/23,
Keloth House, Vayad, Thiruvattoor.

2. Nafeesa. T. K., S/o Ibrahim K,
Aged 46/23, Keloth House, Vayad,
Thiruvattoor.

(By Adv. Sri. Habeeb. P.)

Offence : U/s 498A r/w 34 of IPC.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : Both accused are acquitted u/s 248(1) of Cr.P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Pariyaram MC, Muhammed Irfad T K Ibrahim K Cr.No.408/23				Vayad	28/23
2.	Pariyaram MC, Nafeesa T K Cr.No.408/23		Ibrahim K		Vayad	46/23

Date of:

1. Occurrence	: from 12.02.23 to 03.05.2023
2. Complaint	: 13.12.2021
3. Apprehension	: 04.12.2025
4. Release on bail	: 04.12.2025
5. Commitment	: ...
6. Commencement of trial	: 05.03.2026
7. Commencement of evidence	: 10.03.2026
8. Close of trial	: 16.03.2026
9. Sentence or order	: 19.03.2026
10. Service copy of judgment	: Copy is ready
11. Explanation for delay	: No delay
12. Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 CrPC	: ...

This case came up for consideration during today's proceedings and the court delivered the following:

J U D G M E N T

This is a case instituted upon the final report filed by Sub Inspector of police Pariyaram MC Police Station in Cr. No. 408/2023 for the offence punishable u/s 498A r/w 34 of IPC.

2. **Prosecution case in brief is as follows:** The marriage with CW1 and the 1st accused was solemnized on 12-02-2023 at Thiruvattoor Juma Ath palli as per the rites and rituals prevailing in their community and while they were living together as husband and wife at the house of CW1 at Thiruvattoor and the house of accused situated at Vayad, accused Nos.1 & 2 subjected her mental and physical harassment by demanding more dowry and cash. Thereby the accused said to have been committed the aforesaid offence.

3. On appearance of accused they are released on bail. Copies of all relevant prosecution records were furnished to them u/s 207 Cr PC. After hearing both sides, charge u/s 498A r/w 34 of IPC was framed and read over and explained to accused to which they pleaded not guilty and claimed to be tried.

4. In order to prove the prosecution case, prosecution examined PW1 and Ext. P1 was marked. PW1, the defacto complainant turned hostile to the prosecution case. Since there are no material evidences, the Learned Asst. Public Prosecutor has rightly given up the remaining witnesses and the prosecution evidence closed. Since there is no incriminating circumstance against the accused, the questioning of the accused u/s 313 CrPC dispensed with. No evidence was adduced from the side of defence.

5. Heard both sides.

6. Point arise for consideration:

1. Has the prosecution proved that the accused in furtherance of the common intention had harass the PW1 mentally and physically by making unlawful demand for money and gold as alleged and thereby committed the offence u/s 498A r/w 34 of IPC ?

2. If so, what is the proper order or sentence?

7. **Point No.1:** PW1 is the defacto-complainant and she deposed that the 1st accused is her husband and their marriage was solemnized on

12.02.2023 at Thiruvattoor Juma Masjid. She further deposed that some problems were happened in their martial life and she gave complaint to the police which is marked as Ext.P1. But she did not support the prosecution case. The learned Asst. Public Prosecutor is permitted to cross examine her as contemplated u/S 154 of Indian Evidence Act/157 of Bharatiya Sakshya Adhiniyam, but nothing could be brought out to discredit the evidence of PW1 before this court. She further deposed that she has no complaints against the accused as the matter has been settled between them. She completely turned hostile to the prosecution case.

8. PW1 is having no case that she was harassed by the accused. She further deposed before the court that the matter has been settled amicably, PW1 didn't support the prosecution. Since the PW1, defacto complainant was turned hostile to the prosecution and the examination of remaining witnesses will be a futile exercise hence the learned Asst. Public Prosecutor rightly given up remaining witnesses. Thus the prosecution has failed to prove the guilt of the accused beyond reasonable doubt and therefore this point is answered against the prosecution.

9. **Point No.2:** In view of my findings on point No.1, accused are found not guilty of the offence punishable u/s 498 A of IPC.

In the result,

Both accused are acquitted u/s 248(1) of CrPC of the offence

punishable u/s. 498 A r/w 34 of IPC and accordingly their bail bonds stand cancelled and they are set at liberty.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 19th day of March, 2026)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:
WITNESSES FOR THE PROSECUTION

PW1 Afra T K Defacto complainant

EXHIBITS FOR THE PROSECUTION :

Ext.P1/PW1 FI Statement dtd.03.05.23

MATERIAL OBJECTS MARKED : Nil.

WITNESSES FOR THE DEFENCE : Nil.

EXHIBITS FOR THE DEFENCE : Nil.

MATERIAL OBJECTS MARKED : Nil.

Sd/-
Judicial First Class Magistrate,
Payyannur.

//True copy//

Judicial First Class Magistrate,
Payyannur.