

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS
KODUNGALLUR**

Present:- Smt. Sherin R A., Judicial I Class Magistrate

Dated this the 12th May, 2026 /22nd Vaisakha, 1948 SE

CC. No. 323 OF 2019

State represented by the Inspector of Police Valappad Police Station in Cr.No.73/2019 (By Asst . Public Prosecutor Kodungallur)	:	Complainant
1. Venkataraman, aged 39 years, S/o.Rajan,Kozhikanakkan House, Thriprayar Desom, Nattika Village. 2. Santhakumari, aged 71 years, S/o.Rajan, Kozhikanakkan House, Thriprayar Desom, Nattika Village. (By Adv. Sri.Sinesh A.B)	:	Accused
Offence	:	U/s.498 A of Indian Penal Code
Plea	:	Not guilty
Finding	:	Not guilty
Order	:	Accused are acquitted of the offence punishable 498 A of Indian Penal Code u/s.248(1) Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

DESCRIPTION OF ACCUSED

Sl. No.	Name of Police station and the Crime No. of the offence.	Name and Rank of accused	Father's Name	Occupation	Residence	Age					
1	Valappad Police Station in Crime No.273/2019	A1. Venkataraman	Rajan	Thriprayar					
		A2.Santhakumari	W/o.Rajan	Thriprayar	71/19					
DATE OF											Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 of Cr.P.C.
Occurrence	Complainant	Apprehension/ Appearance	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Commitment	Service of copy of judgment or finding on accused	Explanation of delay	
09.11.2014	01.03.2019	10.01.2020	10.01.2020	10.01.2020	26.09.2022	07.05.2026	12.05.2026	No delay

JUDGMENT

This case was taken on file based on the final report submitted by the Inspector of Police, Valappad Police Station in crime No.73/2019 registered against the accused alleging commission of offence punishable under Section 498A of IPC.

2. The summary of the prosecution case is as follows: The marriage between PW1 with the first accused was solemnized on 09.11.2014 at Guruvayur temple. While PW1 was residing with the accused persons at her matrimonial home at Thriprayar and the quarters of first accused at Thiruvananthapuram, after her marriage, the accused had subjected her to cruelty and harassment both mentally and physically for demand of money. Thus, the accused are alleged to have committed the aforesaid offence.

3. On receipt of FIS from PW1, PW7 registered the crime against the accused and others and after completing investigation, PW8 filed the final report before the court against the first accused alone.

4. Pursuant to the filing of the final report, cognizance was taken for the offence under section 498A of IPC. On appearance of the accused they were released on bail and was represented by a counsel of their choice. Copies of all relevant prosecution records were furnished to them under section 207 of Cr.P.C. After hearing both parties and perusing the records, charge was framed for the offence punishable under section 498A of IPC and was read over and explained to the

accused to which they pleaded not guilty and claimed to be tried.

5. From the side of the prosecution, PW1 to PW8 were examined and Exts.P1 to P10 were marked. After closing the prosecution evidence, accused was questioned u/s.313(1)(b) Cr.P.C. He denied all the incriminating circumstances put to him and maintained to be innocent.

6. Accused was called to enter into his defence evidence. Ext.D1 was marked from the defence side.

7. Heard both sides.

8. The following points arise for consideration:-

1. *Whether the accused subjected PW1 to physical or mental cruelty with a view to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or on account of failure by her or any person related to her to meet such demand?*
2. *If the accused is found guilty, what should be the proper sentence?*

9. Point No. 1:-

PW1 is the aggrieved wife. PW2 is the mother of PW1. PW3 is the brother of PW1. PW4 is the Registrar of Marriages, Guruvayoor Municipality, who issued the marriage certificate. PW5 is the seizure mahazar witness. PW6 is the witness who is stated to have knowledge of the alleged incidents of harassment and cruelty by the accused. PW7 is the Additional Sub Inspector of Valapad Police Station who recorded the F.I. statement and registered the crime. PW8 is the Inspector of Valapad Police Station who conducted the investigation and submitted the final report.

10. Learned counsel for the accused submitted that the prosecution has failed to establish the ingredients of the offence under Section 498A IPC and that the evidence on record is insufficient to sustain a conviction.

11. At the outset, it is contended that there is an inordinate and unexplained delay in setting the criminal law in motion. According to PW1, the alleged acts of cruelty occurred during the period from 2014 to 2017, and she admittedly left the matrimonial home on 09.07.2017. However, Ext.P2 First Information Statement was lodged only on 09.12.2018, nearly one and a half years after the alleged last incident. Though it is vaguely stated that a complaint was lodged in 2017, no documentary proof of the same has been produced. The delay remains unexplained, which affects the veracity of the prosecution case. It is further submitted that Ext.P2 was lodged only after the first accused initiated matrimonial proceedings by filing a divorce petition in December, 2018 and after PW1 received notice therein. It is also brought out that PW1 subsequently filed proceedings under the Protection of Women from Domestic Violence Act. According to the learned counsel, these circumstances clearly indicate that the present case is a counterblast to the matrimonial proceedings initiated by the first accused.

12. Learned counsel further pointed out that, though PW1 has alleged physical assault while residing at the VSSC quarters, Thumba, and claimed to have taken treatment at a clinic, no medical records have been produced, nor has any doctor been examined to substantiate such allegations. The absence of medical evidence, despite specific allegations of physical assault, casts serious doubt on the veracity of the prosecution case.

13. It is also argued that PW1's version regarding her return from the VSSC quarters is false. According to her, she had to borrow money from a neighbour named Bindu at Thumba to return to her parental home. However, the address of the said Bindu shown in the witness list is at Kunnamkulam, Thrissur, which materially

contradicts the prosecution version. Likewise, another alleged neighbour, Lalitha, who is stated to have witnessed instances of cruelty, has also not been examined. The non-examination of these material witnesses creates serious doubt regarding the prosecution case.

14. Learned counsel further submitted that there are material contradictions between Ext.P2 and the deposition of PW1. In Ext.P2, it is stated that 65 sovereigns of gold ornaments are kept in a locker in the joint names of PW1 and the first accused. However, in her deposition before the court, PW1 has taken a different stand that the ornaments were entrusted to the accused and have not been returned. This inconsistency goes to the root of the prosecution case and affects the credibility of PW1.

15. It is also contended that the evidence of PW2 and PW3 is purely hearsay in nature. Both witnesses have admitted that they came to know about the alleged incidents only through PW1, and PW3 has specifically admitted that no incident occurred in his presence. In the absence of any independent corroboration, their evidence does not advance the prosecution case.

16. The learned counsel submitted that the prosecution case is riddled with material contradictions, omissions, and lack of corroboration. The essential ingredients of "cruelty" as defined under Section 498A IPC have not been established. It is prayed that the accused are entitled to the benefit of doubt and to be acquitted of all charges.

17. PW1, Mithila, deposed that the 1st accused is her husband and the 2nd accused is her mother-in-law. Their marriage was solemnized on 09.11.2014 at Guruvayur Temple in accordance with Hindu religious rites. After the marriage, she resided at the matrimonial home of the 1st accused at Thriprayar.

18. According to PW1, she was subjected to harassment from the very beginning of the marriage on the ground that the dowry was insufficient. She was

taunted for not bringing household articles such as an almirah, refrigerator and washing machine, for not having brought 100 sovereigns of gold, and for not getting a car. The 2nd accused was working as an Anatomy Professor and the 1st accused as a Senior Technical Assistant at ISRO.

19. PW1 further stated that, at the time of marriage, she was given 50 sovereigns of gold and, in addition thereto, she received 7 sovereigns as gifts and an amount of Rs.2,00,000/-. On 12.11.2014, when she reached the matrimonial home, she handed over the gold and money to her husband as directed by the 2nd accused. The amount of Rs.2,00,000/- was handed over to the 1st accused by her uncle Sunil at the house of the accused. The said gold and money have not been returned so far and are still in the possession of the accused.

20. She further deposed that, apart from the said 57 sovereigns, an additional 15 sovereigns of gold and Rs.1,00,000/- were also given to the accused at a later stage to resolve the disputes. The said amount was arranged by her brother through a loan. The same was also not returned.

21. PW1 narrated various instances of physical and mental cruelty. She stated that on 12.11.2014, when she was menstruating, she had asked the 1st accused to purchase sanitary pads, which he did, but thereafter she was subjected to humiliation on that account for about six months. She was also ridiculed on the ground that her father was an autorickshaw driver. The 1st accused used to compel her to smell his used undergarments and subjected her to degrading acts, including placing insects on her body. She also stated that the 1st accused would not maintain personal hygiene and would smear his sweat on her when she asked him to bathe. PW1 further stated that the 1st accused expressed his desire to contract another marriage and harassed her to leave the matrimonial home. During one such incident, she sustained injury to her eye when the 1st accused hit her on the face while they were residing at his quarters at Thumba. She took treatment at a Health Centre in the housing colony and

had also lodged a complaint regarding the said incident. She further stated that she had complained to the superior officers of the 1st accused, who intervened and advised him, following which they resumed cohabitation, but the harassment continued.

22. PW1 also deposed that, on one occasion, the 1st accused assaulted her by pressing her hand against a chair, causing swelling and severe pain, and on another occasion, he caught hold of her neck and pushed her against a wall, causing her to fall due to suffocation. Thereafter, she left the matrimonial home with Rs.500/- borrowed from a neighbour named Bindu and returned to her parental home. Subsequently, relatives intervened and a complaint was lodged with the police. The F.I. statement was marked as Ext.P2.

23. PW1 further stated that she is a B.Tech graduate and was working as a software programmer at the time of marriage, but the accused did not permit her to continue her employment or studies. She was also taken to a sorcerer at Peruvallur at the instance of the accused and was compelled to provide hair, nails, thread from her dress and soil on which she had stepped. She identified the accused in court. She also stated that photographs taken at the time of marriage had been produced, which she identified, and the same were marked as Ext.P1 series (2 in number). She narrated the details of her gold ornaments which were entrusted to the accused, including various chains, bangles, anklets, earrings and other items.

24. In cross-examination, PW1 stated that the 1st accused had filed a divorce petition against her before the Family Court, Thrissur, as O.P. No.2291/2018. She identified the certified copy of the same, which was marked as Ext.D1. She stated that, prior to 09.12.2018, she had not filed any complaint against the accused before any court. According to PW1, she had given a complaint at the Police Station on 09.07.2017 and had informed the Investigating Officer about the same. When it was pointed out that the said fact was not recorded in her statements, she stated that a

copy of the said petition was with her. She deposed that there is a domestic violence case against the 1st accused before the JFCM, Kunnankulam, and that she was not aware whether any other cases were pending against the 1st accused.

25. According to PW1, the 2nd accused did not permit her to use household articles such as the washing machine and utensils. She deposed that she had produced the documents regarding the purchase of 50 sovereigns of gold before the Thrissur Court, but not before the Investigating Officer. She added that she had shown the said records to the Investigating Officer. Regarding the alleged payment of Rs.2,00,000/-, she stated that she had documents to show that a loan was taken, and that the same had been produced before the Thrissur Court, but not before this Court. She admitted that no documents had been produced to establish the financial capacity to pay Rs.2,00,000/-.

26. She further stated that she was working as a software programmer prior to the marriage and had a good job, and that the marriage was an arranged one. To the specific question whether any person had witnessed the alleged acts of cruelty by the 1st and 2nd accused, she stated that, apart from the family members residing there, a neighbour, Lalitha, had seen the accused ill-treating her. She added that this fact had been informed to the Investigating Officer, but the said person was not cited as a witness as she had retired.

27. She admitted that she was not admitted in the hospital, but had taken treatment as an outpatient. She further stated that she had stated the fact of payment of money on 12.11.2014, though the same was not seen recorded in her statement. She also stated that the details of the gold ornaments were not fully recorded, as the police had told her that a brief statement would suffice and that a detailed statement could be taken later. She stated that she had given a statement that she was harassed on account of insufficiency of gold, threatened, and subjected to humiliating conduct. She denied the suggestion that there were only minor matrimonial disputes.

28. She admitted that the date fixed for her first appearance as per Ext.D1 was on 06.02.2019 and that Ext.P2 F.I. statement was submitted thereafter. She denied the suggestion that no complaint had been made prior to 06.02.2019 and reiterated that she had lodged a complaint in 2017, which resulted in counselling, as it was treated as a matrimonial dispute. Apart from this case, she has also filed a petition for return of her gold ornaments, which was instituted four years after the 1st accused filed the case. She stated that she had given the name and address of the alleged sorcerer to the Police. She further deposed that she finally left the matrimonial home at Thriprayar on 09.07.2017 after lodging a complaint. She stated that the 1st accused had attended counselling, but stated that he was not willing to take her back.

29. She further stated that an amount of Rs.2,00,000/- was handed over by her uncle on 12.11.2014, when she was taken back to the matrimonial home. She deposed that the 2nd accused was working at Jubilee Mission Hospital and that the accused are financially well-off. She admitted that the 1st accused behaved affectionately during the initial days after marriage.

30. Ext.P2 is the First Information Statement of PW1 dated 06.02.2019. In Ext.P2, it is stated that she was married to the 1st accused, Venkatraman, on 09.11.2014 at Guruvayur Temple. At the time of marriage, her family had given her 50 sovereigns of gold ornaments and Rs.20,00,000/- as marriage gifts.

31. After the marriage, she resided alternately at her husband's house at Thriprayar and at the VSSC quarters of the 1st accused at Thiruvananthapuram, where her husband was employed. From the very beginning of the marriage, her husband and mother-in-law, Shanthakumari, subjected her to continuous mental and physical cruelty, stating that she was not good-looking, that the dowry given was insufficient, and that he could have married a woman with more beauty and dowry.

32. Unable to bear the harassment, she would occasionally return to her parental home. Thereafter, her husband, mother-in-law and relatives would come and take her back, assuring in the presence of her relatives that there would be no further ill-treatment. This occurred on several occasions. At the time of such reconciliations, in order to settle the issues, her family had given, on different occasions, an additional 15 sovereigns of gold and Rs.1,00,000/-. The total 65 sovereigns of gold ornaments received by her at the time of marriage are kept in a locker at SBI, Thriprayar Branch, in the joint names of herself and her husband. Due to the continued cruelty from her husband and mother-in-law, she has been residing at her parental home since 09.07.2017. It is also stated that she refrained from lodging a complaint earlier in the hope that her husband would change his attitude and take her back, and that her husband used to ill-treat her mostly under the influence of his mother, the 2nd accused.

33. PW2, Susheela, deposes that PW1 is her daughter, and that the 1st accused is PW1's husband and the 2nd accused is the mother-in-law of PW1. After the marriage, PW1 resided both at the matrimonial house at Thriprayar and at the VSSC quarters at Thiruvananthapuram. At the time of marriage, 57 sovereigns of gold and Rs.2,00,000/- were given, out of which 50 sovereigns were purchased and 7 sovereigns were received as gifts. PW2 stated that her daughter had informed her that the gold ornaments were entrusted to the 2nd accused, and that the same have not been returned till date.

34. She further deposed that the amount of Rs.2,00,000/- was handed over through PW1's uncle to the accused at the time when PW1 was taken to the matrimonial home after the marriage. She does not know how the said amount was utilised, and the same has not been returned. According to PW2, after some time, the accused began to harass PW1 alleging that the gold and money given were insufficient and subjected her to verbal abuse. It is further stated that the accused had

expected to receive a car at the time of marriage and, being disappointed, continued to ill-treat PW1.

35. PW2 further stated that PW1 was subjected to severe cruelty at the VSSC quarters, including physical assault such as catching hold of her hair and pushing her against the wall. She was also harassed on the ground that she was not good-looking and had no job. PW1 had been employed prior to the marriage but resigned from her job at the insistence of the 1st accused. Though it was promised that she would be permitted to work or pursue higher studies at Thiruvananthapuram, the accused did not permit the same. PW1 was also not allowed to contact her parents over the phone, and for about one year she did not disclose these matters to them.

36. PW2 deposed that, in December 2015, PW1 was brutally assaulted and driven out of the house. On one occasion, the 1st accused locked PW1 inside the house and went for work, and PW1 managed to return to her parental home by borrowing Rs.500/- from a neighbour named Bindu. PW2 stated that she came to know of these incidents later.

37. PW2 further stated that the accused were superstitious and had taken PW1 to a sorcerer named Sasi at Peruvallur, Thrissur, where some substance was mixed in milk and forcibly administered to PW1 purportedly to ward off alleged misfortune or evil influence. After consuming the same, PW1 developed vomiting and diarrhoea. She also deposed that the accused had collected soil from beneath PW1's feet and strands of her hair for the purpose of such practices. Subsequently, relatives intervened in the matter. According to PW2, the harassment was mainly on the ground that the dowry and gold given were insufficient.

38. In cross-examination, PW2 stated that she is a Post Master by profession. She deposed that the facts stated in her chief-examination are based both on what her daughter had told her and on what she had personally witnessed. She reiterated that PW1 resided both at Thriprayar and Thiruvananthapuram. She stated that she had

informed the Investigating Officer regarding the details of the gold ornaments, including their nature and weight. When it was pointed out that the same are not reflected in her statement, she asserted that she had stated the same.

39. She further stated that, due to the harassment, on several occasions an additional 15 sovereigns of gold and Rs.1,00,000/- were given. She deposed that the 1st accused had filed a divorce petition in December, 2018 and that notice therein was received in the first week of January, though she does not recollect the exact date fixed for appearance. She further stated that a complaint was given on 09.07.2018 at Valappad Police Station, but the same was not registered and the parties were referred for counselling for reconciliation.

40. PW2 stated that the amount was handed over through the uncle of PW1 to the uncle of the 1st accused. She stated that she had mentioned the incident of administering substance in milk to the Investigating Officer. When it was pointed out that the same is not seen recorded, she replied that it was because she had been told that only a brief statement needed to be recorded and that the rest could be stated before the court. She also stated that she had disclosed the details of the sorcerer. She admitted that other cases between PW1 and the 1st accused are pending before the Family Court, Thrissur and the JFCM Court, Kunnampulam.

41. PW3, Kailasnath, stated that PW1, Mithila, is his sister, and that the 1st accused is PW1's husband and the 2nd accused is her mother-in-law. He stated that their marriage was solemnised on 14.11.2014. According to him, within 3 to 10 days of the marriage, during the customary visit, the 2nd accused did not speak to them, though she spoke to her own relatives. PW3 stated that PW1 later came to understand from relatives that such conduct was on account of dissatisfaction regarding the dowry.

42. PW3 stated that, at the time of marriage, 50 sovereigns of gold were given, consisting partly of newly purchased ornaments and partly of old gold, and that PW1 had also received about 10 to 12 sovereigns as gifts. He further stated that, within about 1½ to 2 weeks, PW1 and the 1st accused shifted to the ISRO quarters at Thumba, Thiruvananthapuram, and that all household articles required for the said residence were provided by his family.

43. PW3 stated that on 12.12.2014, being PW1's birthday, he had visited the quarters with a cake, and that later that night PW1 called him and informed him that the 1st accused had scolded her for celebrating the birthday. He stated that he later came to know that PW1 was being harassed on the ground that she was not sufficiently beautiful and that comparisons were made with others. PW3 stated that he had spoken to the 1st accused regarding the same, and that he had admitted such conduct, but the harassment continued thereafter.

44. PW3 further stated that the 1st accused subjected PW1 to degrading and humiliating acts, including compelling her to smell his undergarments, maintaining unhygienic habits, and forcing her to endure such conditions. He also stated that the 1st accused used to throw insects on PW1's body. According to him, despite his intervention, the conduct did not improve, and the matter was brought to the notice of relatives and family members. A reconciliation discussion was conducted by a relative, during which the accused assured that such conduct would not be repeated; however, the harassment continued.

45. PW3 stated that the 1st accused had physically assaulted PW1 on several occasions, including pressing her hand against a chair without armrest, causing injury, which was witnessed by a neighbour named Bindu. He stated that on another occasion, PW1's hand was twisted backwards. PW3 further stated that PW1 sustained injury to her eye due to the act of the 1st accused and had taken treatment at the clinic

near the quarters. He also stated that PW1 was pushed against a wall by pressing her neck, causing her to fall and sustain injuries, for which she again took treatment.

46. PW3 stated that the 1st accused used to take food from outside and did not permit PW1 either to cook or to procure food, and that a neighbour named Lalitha used to provide food to PW1. He further stated that other neighbours had complained about the abusive behaviour of the 1st accused. PW3 also stated that the 1st accused had disclosed that he did not desire to have children and had married only for the sake of his mother.

47. PW3 stated that the 1st accused used to insist that PW1 stay at their house at Thriprayar, where the 2nd accused was residing. PW3 stated that the 2nd accused was superstitious and believed in sorcery, and that PW1 was taken by the accused to a person named Sasi at Peruvallur, where items such as strands of hair, soil from beneath her foot, and a piece of her clothing were demanded. He stated that PW1 had informed their mother that a substance mixed in milk was administered to her. PW3 further stated that PW1 was thereafter assaulted and driven out of the quarters, and that she came to her parental home alone after borrowing money from a neighbour named Bindu.

48. PW3 stated that thereafter a final reconciliation discussion was conducted at the house of a relative, Prakashan, involving both families, but the same failed, and a complaint was thereafter lodged before the Police. He also stated that the gold ornaments have not been returned, and that PW1 had informed him that a portion of the gold was taken by the accused, purportedly for use in connection with a relative's marriage.

49. In cross-examination, PW3 stated that PW1 is his only sister and that most of his knowledge regarding the incidents came from what PW1 had told him. He further stated that he did not remember whether he had informed the police about the incident relating to the quarrel on the birthday. With regard to the allegations that the

1st accused behaved in an unhygienic manner and threw insects on PW1's body, he stated that PW1 or his father might have informed the police, and that he does not remember whether he himself had stated the same.

50. He stated that the bills relating to the purchase of gold ornaments were shown to the police and that the same were produced before the Family Court, Thrissur. He further stated that the 1st accused had filed a divorce O.P. against PW1 in December, 2018 and that the present case was filed after receipt of notice in the said proceedings. However, he added that a complaint had been lodged as early as 2017 and, on the basis of the said complaint, PW1 and the accused were called to the police station and thereafter referred for family counselling. He stated that even at that time allegations of physical cruelty had been raised, but the matter was still referred for counselling.

51. He further stated that PW1 had been subjected to continuous harassment for about one and a half years and hence she is unable to state specific dates. He admitted that no acts of harassment took place in his presence, but that he had seen the injuries sustained by PW1. He stated that his knowledge regarding PW1 not taking food was based on what PW1 had told him. He further stated that he had not resided with PW1 at Thiruvananthapuram, but had visited her occasionally.

52. PW3 stated that he had informed the police regarding the acts of sorcery attributed to the 2nd accused, but that he did not remember whether PW1 was taken to a sorcerer. He also stated that cases are pending between PW1 and the 1st accused before the Family Court, Thrissur and the JFCM Court, Kunnankulam, and that PW1 is presently residing with them.

53. PW6, Bindu, stated that she knows PW1, Mithila, who was residing near her house. She stated that Mithila had informed her that she was being subjected to harassment by her husband, Venkatraman. PW6 further stated that she had noticed an injury and swelling on the left hand of Mithila, which, according to her, was in the

year 2015, though she does not remember the exact date. She also stated that Mithila had borrowed money from her to travel by bus to her native place.

54. In cross-examination, PW6 stated that she had given her statement to the police only once and that it was recorded at Thiruvananthapuram. She stated that she had informed the police about the injury and swelling on Mithila's left hand, and that, if the same is not seen recorded in her statement, she has nothing further to say.

55. The accused are facing trial for the offence punishable under Section 498A of the IPC. The marriage of PW1 with the 1st accused and the relationship between the parties are not in dispute. Even otherwise, the marriage stands proved through the evidence of PW4. PW4, Meghanathan, who was working as Health Inspector at Guruvayur Municipality and was in charge of the Registrar, deposed that the marriage of Venkatraman and Mithila was solemnised on 09.11.2014 at Guruvayur Sreekrishna Temple and was registered on 17.11.2014 as No.3330/2014. Ext.P3 is the extract of the relevant entry in the marriage register. Therefore, the factum of marriage between PW1 and the 1st accused stands duly proved.

56. In order to sustain a conviction under the said provision, the prosecution must establish, beyond reasonable doubt, that the woman was subjected to "cruelty" as defined in the Explanation to Section 498A IPC, either in the form of (i) wilful conduct of such a nature as is likely to drive her to commit suicide or to cause grave injury or danger to life, limb or health, or (ii) harassment with a view to coercing her or her relatives to meet any unlawful demand for property or valuable security.

57. In the present case, the prosecution mainly relies on the oral testimonies of PW1, PW2 and PW3. PW1 is the de facto complainant, while PW2 and PW3 are her close relatives. On a careful comparison of the evidence of PW1 with Ext.P2 First Information Statement, material omissions and improvements are evident. Several allegations now spoken to before the Court, including specific instances of physical

and mental cruelty, do not find place in the earliest version. The explanation that only a “brief statement” was recorded by the police cannot be accepted. Such omissions go to the root of the matter and materially affect the credibility of the prosecution case.

58. The evidence of PW2 and PW3 is largely hearsay in nature, as they have admitted that most of the facts were informed to them by PW1. PW3 has further admitted that no act of cruelty took place in his presence. Though both these witnesses have deposed about having seen injuries on PW1, no medical evidence has been adduced to substantiate the same. The absence of such corroborative evidence further weakens the prosecution case.

59. According to PW1, due to the alleged harassment, she left the matrimonial home on 09.07.2017. But the F.I. statement was lodged only on 06.02.2019. The delay in lodging the complaint, coupled with the admitted matrimonial disputes and the fact that the 1st accused had filed a divorce petition in December, 2018, raises a reasonable doubt as to whether the present complaint is the result of matrimonial discord rather than acts constituting “cruelty” within the meaning of Section 498A IPC.

60. With regard to the allegation of unlawful demand for dowry, the evidence is neither consistent nor cogent. Though there are allegations of dissatisfaction regarding gold and money, there is no clear, specific or convincing evidence to establish that there was any unlawful demand coupled with harassment to coerce compliance. Thus, the essential ingredients of dowry-related cruelty are not satisfactorily proved.

61. It is further to be noted that, in Ext.P2 F.I. statement itself, PW1 has stated that she had not lodged any complaint earlier as she was under the belief that the 1st accused would take her back and that their matrimonial life would continue. This

indicates that PW1 was expecting a cordial marital relationship with the 1st accused even during the relevant period. If, in fact, PW1 had been subjected to continuous and severe forms of physical and mental cruelty, it appears improbable that an ordinary prudent woman would still be willing to resume cohabitation with the same person. This circumstance creates a doubt regarding the nature and gravity of the allegations.

62. Further, though PW1 has deposed that she had lodged a complaint in the year 2017, no such fact is mentioned in Ext.P2 F.I. statement, which is the earliest version given by her. The omission to mention such an earlier complaint, if it had in fact been made, assumes significance and amounts to a material omission affecting the credibility of her version.

63. Moreover, the allegations regarding the 1st accused compelling PW1 to smell his undergarments and throwing insects on her body, which are grave and serious in nature, do not find place either in Ext.P2 F.I. statement or in her subsequent statement recorded under Section 161 Cr.P.C. Such omissions in respect of material and serious allegations, which would ordinarily be expected to be disclosed at the earliest point of time, assume considerable significance and amount to material omissions, thereby affecting the credibility of the prosecution case.

64. PW7, Unnikrishnan, is the Sub Inspector of Valappad Police Station who recorded the F.I. statement of PW1. He deposed that on 06.02.2019, he recorded Ext.P2 F.I. statement of PW1 and, based on the same, registered the crime. Ext.P5 is the F.I.R. According to PW7, the subsequent investigation in the case was conducted by CW11 (PW8).

65. In cross-examination, PW7 stated that the alleged incidents occurred during the period from 09.11.2014 to 09.07.2017 and that no complaint had been received from PW1 prior to that period. He further stated that he had no knowledge regarding

any complaint purported to have been given by PW1 on 09.07.2017. PW7 admitted that several material facts now deposed before the Court by PW1 were not stated in her statement. He stated that PW1 had mentioned in her statement that 65 sovereigns of gold ornaments were kept in a locker in the joint names of herself and her husband. He further admitted that there is no mention in the F.I.R. regarding the delay in lodging the complaint.

66. He also stated that PW1 had not given statements before him regarding entrustment of gold and money to the accused, payment of amounts on specific dates, or several specific acts of alleged cruelty, including physical assaults, injuries, medical treatment, or other instances now spoken to before the Court. He further stated that PW1 had not furnished details regarding the nature, weight or particulars of the gold ornaments, nor had she specified the details of the alleged incidents in her statement. He also admitted that PW1 had not stated to him that a witness named Lalitha had seen the alleged incidents.

67. PW8, T.K. Shyju, the then Inspector of Police and Station House Officer of Valappad Police Station, deposed that on 07.02.2019 he took over the investigation of the case. On that day at about 10.00 a.m., PW1 produced before him two photographs taken at the time of her marriage with the 1st accused, a membership card issued by the Government of India, Department of Space, Liquid Propulsion Systems Centre, Valiyamala, and an identity card containing the entry "Midhila KV – Relationship: Spouse." He seized those documents as per Ext.P4 seizure mahazar. He identified Ext.P1 series (2 numbers), being the two marriage photographs seized by him. According to PW8, the identity card seized was later returned to PW1 upon a Kacheet, which was marked as Ext.P6.

68. PW5, Ullas, deposed that while he was working as GSCPO at Valappad Police Station, on 07.02.2019 at about 10.00 a.m., PW1, Mithila, produced two

marriage photographs and an identity card before the Investigating Officer. He stated that the said documents were seized as per seizure mahazar and that he signed the mahazar as a witness. He identified his signature in the seizure mahazar, which was marked as Ext.P4 through him. He further stated that another GSCPO, Sumal, had also signed as a witness. PW5 also identified Ext.P1 series, being the two marriage photographs.

69. PW8 further stated that on 08.02.2019 at about 10.00 a.m., he inspected the scene of occurrence at Nattika as shown by CW1 and prepared the scene mahazar, which was marked as Ext.P7. The place of occurrence is the terrace house bearing No.11/1463 of Nattika Panchayat and its premises. He also deposed that CW9 produced the marriage certificate evidencing the registration of marriage between CW1 and the 1st accused at Guruvayur Municipality, which he produced before the Court and identified as Ext.P3.

70. PW8 further stated that on 20.02.2019, the accused appeared at the Police Station pursuant to the order of the Hon'ble Sessions Court, Thrissur, and they were arrested and released on bail. The arrest memo was marked as Ext.P8 and the bail bond was marked as Ext.P9. He also submitted a report before the Court to add the full name and address of the accused, which was marked as Ext.P10. After recording the statements of CW1 to CW9 and completing the investigation, he filed the final report before the Court.

71. During cross-examination, PW8 admitted that no documents were produced to establish the ownership or possession of the house described in the scene mahazar and that even the statement of CW1 does not disclose the ownership of the said house, except stating that it is the husband's house at Thriprayar. He admitted that several specific allegations now deposed to by PW1 were not stated by her in her statement, including allegations regarding entrustment of gold and money, specific instances of cruelty, and details regarding ornaments. He further admitted that PW1

had not specified exact dates of the alleged incidents, but had only mentioned a general period.

72. He also conceded that several specific allegations now deposed to by other witnesses, such as CW2 and CW4, were not mentioned by them during the investigation. He admitted that no bills for purchase of gold ornaments were produced before him.

73. On a careful evaluation of the entire evidence on record, I do not find any reason to doubt the registration of the F.I.R. or the manner in which the investigation was conducted. The evidence of the Investigating Officer is cogent and convincing insofar as the procedural aspects of the case are concerned, and nothing has been brought out in cross-examination to discredit the fairness or regularity of the investigation.

However, the crucial question is whether the prosecution has succeeded in establishing the ingredients of the offence alleged. In this context, the evidence of PW5, PW7 and PW8 does not, in any manner, advance or strengthen the prosecution case. Their testimonies are mostly formal in nature. Coming to the core evidence, namely that of PW1 to PW3, as already discussed in detail, there are inconsistencies, omissions and lack of specificity in their versions. Material aspects, including specific instances of harassment, entrustment of property, and consequential ill-treatment, are either not consistently stated or remain unsubstantiated. Their testimony also lacks the degree of consistency and cogency required to inspire the confidence of the Court.

75. In the present case, the evidence of PW1 to PW3, for the reasons already discussed, falls short of the standard required to prove such cruelty. In the absence of reliable and convincing evidence establishing the essential ingredients of the offence, and in the absence of any substantive corroboration from other witnesses, I am constrained to hold that the prosecution has failed to prove the charge under Section

498A IPC against the accused beyond reasonable doubt. The points are found accordingly against the prosecution.

76. **Point No.2**:- In view of the finding in on foregoing point, this point does not arise for consideration.

In the result,

1. The accused are found not guilty for the offence punishable under section 498 A of Indian Penal Code and is acquitted of the offence under section 248(1) of Criminal Procedure Code.

2. Their bail bonds executed by the accused stand cancelled and they are set at liberty forthwith.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 12th day of May, 2026

Sd/-

Judicial Magistrate of First Class,
Kodungallur.

APPENDIX

Prosecution witness:

PW1	Midhila	First Informant
PW2	Susheela	Other witness
PW3	Kailasnath	Other witness
PW4	Meghanadhan	Registrar of Marriage

		(common), Guruvayur Municipality
PW5	Ullas	Grade Senior Civil Police Officer, Valappad Police Station
PW6	Bindhu	Other witness
PW7	N.K.Unnikrishnan	Additional Sub Inspector of Police, Valappad Police Station
PW8	T.K.Shaiju	Sub Inspector of Police, Valappad Police Station

Defence witness :

Nil		
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Court witness :

Nil		
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Prosecution Exhibits:

1	Ext.P1series /PW1	Photographs 2 in numbers
2	Ext.P2/PW1	F.I.Statement dated 06.02.2019
3	Ext.P3/PW4	Extract of marriage certificate
4	Ext.P4/PW5	Seizure mahazar dated 07.02.2019
5	Ext.P5/PW7	FIR dated 06.02.2019
6	Ext.P6/PW8	Kaichit dated 07.02.2019
7	Ext.P7/PW8	Scene mahazar dated 08.02.2019
8	Ext.P8/PW8	Arrest memo
9	Ext.P9/PW8	Bail bond dated 20.02.2019

10	Ext.P10/PW13	Address report of accused
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Exhibits for defence:-

1	Ext.D1/PW1	Certified copy of OP 2291/2018
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Material Objects marked:-

Nil

Sd/-

Judicial Magistrate of First Class,
Kodungallur.

//true copy//

Judicial Magistrate of First Class,
Kodungallur.