

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

WEDNESDAY, THE 12<sup>TH</sup> DAY OF MARCH 2025 / 21ST PHALGUNA, 1946

CRL.MC NO. 994 OF 2016

CC NO.401 OF 2015 OF JUDICIAL MAGISTRATE OF FIRST  
CLASS -I, KOZHIKODE

PETITIONER/ACCUSED:

SAHEER RAHMAN

AGED 37 YEARS

S/O. ABDUL RAHIMAN, MANAMKURICHI VEEDU, PANAVALLY P.O.,  
CHERTHALA, ALAPPUZHA DISTRICT-688 526.

BY ADVS.

ABDUL JALEEL.A

M.A.SULFIA

RESPONDENTS/STATE AND DE FACTO COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF  
KERALA, ERNAKULAM-682 031.
- 2 NUBLA V.  
AGED 27 YEARS  
D/O. LATHEEF, KATTILPARAMBATH PARAMBIL, CHERUVATA P.O.,  
KOZHIKODE-673 012.

BY ADVS.

SRI.JOHN K.GEORGE

SMT.M.B.SHYNI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 12.03.2025, ALONG WITH Cr1.MC.2174/2016, THE COURT ON  
THE SAME DAY PASSED THE FOLLOWING:



2025:KER:21015

Crl.M.C 994 & 2174 of 2016 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

WEDNESDAY, THE 12<sup>TH</sup> DAY OF MARCH 2025 / 21ST PHALGUNA, 1946

CRL.MC NO. 2174 OF 2016

CC NO.1469 OF 2014 OF JUDICIAL MAGISTRATE OF FIRST  
CLASS -II, CHERTHALA

PETITIONERS/ACCUSED NUMBERS 1 TO 7:

- 1 SAHIR RAHMAN  
AGED 38 YEARS  
SON OF ABDUL RAHMAN, MANAMKURICHI VEEDU, PANAVALLY P.O,  
CHERTHALA, ALAPPUZHA
- 2 NABEESA  
AGED 67 YEARS, WIFE OF ABDUL RAHMAN, MANAMKURICHI VEEDU,  
PANAVALLY P.O, CHERTHALA, ALAPPUZHA
- 3 SUHARA  
AGED 44 YEARS, WIFE OF HAMEED, KARALAM PARAMBU, NADAVATHU  
NAGAR P.O, CHERTHALA, ALAPPUZHA
- 4 SAFIYA  
AGED 40 YEARS, WIFE OF HASHIM, KIZHAKKE  
MANAPPALLY, NADUVATHU NAGAR, AROOKUTTY P.O, CHERTHALA,  
ALAPPUZHA
- 5 NISA @ SAIFNISA  
AGED 38 YEARS, WIFE OF SHAJI, CHINGARATHUMKADU,  
THYKATTUSSERY P.O, CHERTHALA, ALAPPUZHA
- 6 SAJITHA  
AGED 30 YEARS, WIFE OF NOUSHAD, MOOTHAMPACKAL,  
AROOKUTTY P.O, CHERTHALA, ALAPPUZHA
- 7 SUBEENA @ SUBINA  
AGED 27 YEARS, WIFE OF MUNNAVEER, PARAMBIL  
PADINJARU, AROOKUTTY P.O, CHERTHALA, ALAPPUZHA



2025:KER:21015

Cr1.M.C 994 & 2174 of 2016 3

BY ADVS.  
SRI.ABDUL JALEEL.A  
SMT.M.A.SULFIA

RESPONDENTS/STATE AND DE FACTO COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF  
KERALA, ERNAKULAM, KOCHI 682 031
- 2 NUBLA V  
AGED 27 YEARS, DAUGHTER OF LATHEF, KATTILPARAMBATH,  
PARAMBIL P.O, CHERUVATA, KOZHIKODE-673 012

SRI SANGEETHARAJ NR, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 12.03.2025, ALONG WITH Cr1.MC.994/2016, THE COURT ON THE  
SAME DAY PASSED THE FOLLOWING:

**ORDER**

Both these petitions relate to the offences which arose out of the alleged matrimonial cruelty meted out to the 2nd respondent by her husband, who is the 1st petitioner in Crl.M.C No.2174/2016, and the sole petitioner in Crl.M.C No.994/2016. Crl.M.C No.2174 of 2016 has been filed by the 1st petitioner along with six others, who are his mother and siblings, against whom, the Poochakkal Police registered Crime No.73/2014 in connection with the commission of offences under Sections 498A and 323 read with Section 34 of IPC. In the aforesaid case, the SI of Police, Poochakkal, after completion of the investigation, has filed the Final Report against the 7 accused, who are the petitioners in Crl.M.C No.2174/2016. Crl.M.C No.994/2016 has its origin in a private complaint filed by the 2nd respondent against her husband, alleging the commission of offence under Sections 341, 323 and 498A IPC. The learned Judicial First Class Magistrate-I, Kozhikode, after the completion of the enquiry under Section 200 Cr.P.C, took the above complaint into files, and issued summons to the 1st petitioner herein to answer the charges under the aforesaid Sections. In the present petitions, the petitioners seek to quash the proceedings in both these cases.



2. After allowing repeated adjournments for hearing, the cases were specifically posted to this date for the purpose of hearing on these petitions. When the matters are taken up for consideration today, there is no representation on the part of the petitioners.

3. Heard the learned Public Prosecutor representing the State of Kerala.

4. As far as Crl.M.C No.2174 of 2016 is concerned, it could be seen from the records that the Final Report filed by the SI of Police, Poochakkal, which has been taken on files by the Judicial First Class Magistrate Court-II, Cherthala, as CC No.1469/2014, has arraigned 10 witnesses to establish the charge levelled against the accused therein. Among the above 10 witnesses, CW1 is the de facto complainant/2nd respondent. In addition to CW1, four other witnesses are cited as CWs 2 to 5 towards establishing the charge against the accused. The statements given by the aforesaid four witnesses to the Investigating Officer contain clear indications regarding the offences alleged against the accused. Towards establishing the injuries sustained by the de facto complainant as a result of the physical torture inflicted upon her by the accused, CW8, the Doctor of General Hospital, Ernakulam, who treated her was sought to be examined to prove the wound certificate issued in



connection with the treatment given to the de facto complainant. Thus, it appears that the Investigating Agency had garnered all the necessary materials for a successful prosecution against the petitioners in connection with the commission of offences under Section 498A and 323 IPC alleged against them. The acceptability of the aforesaid evidence cannot be evaluated in a proceedings under Section 482 Cr.P.C by this Court. Therefore, the prayer in the petition filed by the petitioners in Crl.M.C No.2174/2016 to quash the proceedings in CC No.1469/2014 on the files of the Judicial First Class Magistrate Court-II, Cherthala, is totally unsustainable.

5. As far as Crl.M.C No.994/2016 is concerned, the learned Judicial First Class Magistrate Court-I, Kozhikode, had taken the complaint to files after having been satisfied that there were sufficient grounds to proceed against the accused for the commission of offences under Sections 498A, 323 and 341 IPC in connection with the incident which took place within the territorial jurisdiction of the said Court. In the complaint which the de facto complainant has filed in the said case, she had cited two other witnesses to establish the allegations levelled against the accused. It is also seen that the de facto complainant had produced the medical records before the learned Magistrate to establish the injuries



2025:KER:21015

CrI.M.C 994 & 2174 of 2016 7

which she sustained as a result of the physical torture inflicted by the accused. It is not possible to brush aside the logical conclusion which could be drawn from the aforesaid records relied on by the de facto complainant. It is upto the Trial Court to decide, after conducting full trial, as to whether the aforesaid evidence relied on by the complainant are sufficient enough to warrant conviction in connection with the offence alleged against the 1st petitioner herein. At any rate, it is not possible to invoke the inherent powers of this Court under Section 482 Cr.P.C to terminate the proceedings in both these cases at the threshold. Needless to say that the reliefs sought for in both these petitions are not allowable.

In the result, both the petitions are hereby dismissed.

Sd/-

**G.GIRISH**  
**JUDGE**

IAP



2025:KER:21015

Cr1.M.C 994 & 2174 of 2016 8

**APPENDIX OF CRL.MC 994/2016**

**PETITIONER'S ANNEXURES:**

- |                     |                                                                                                                          |
|---------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>ANNEXURE A1</b>  | <b>TRUE COPY OF THE COMPLAINT FILED BY 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOZHIKODE.</b> |
| <b>ANNEXURE A2</b>  | <b>TRUE COPY OF STATEMENT OF 2ND RESPONDENT AS CW1.</b>                                                                  |
| <b>ANNEXURE A3</b>  | <b>TRUE COPY OF STATEMENT OF NOORJAHAN WIFE OF LATHEEF AS CW2.</b>                                                       |
| <b>ANNEXURE A4</b>  | <b>TRUE COPY OF STATEMENT OF ABDU RAHIMAN, SECRETARY, MUZHIKKAL MAHAL JUMA MASJID AS CW3.</b>                            |
| <b>ANNEXURE A5</b>  | <b>TRUE COPY OF OP TICKET ISSUED BY THE GOVERNMENT GENERAL HOSPITAL (BEACH)M KOZHIKODE, DTD.19.1.2013.</b>               |
| <b>ANNEXURE A6</b>  | <b>TRUE COPY OF SUMMONS ISSUED TO PETITIONER.</b>                                                                        |
| <b>ANNEXURE A7</b>  | <b>TRUE COPY OF MEDICAL CERTIFICATE.</b>                                                                                 |
| <b>ANNEXURE A8</b>  | <b>TRUE COPY OF ID CARD.</b>                                                                                             |
| <b>ANNEXURE A9</b>  | <b>TRUE COPY OF THE COMPLAINT FILED BEFORE THE VANITHA CELL INSPECTOR.</b>                                               |
| <b>ANNEXURE A10</b> | <b>TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN TrP(Cr1)NO.60/2014 DTD.31.3.2015.</b>                              |
| <b>ANNEXURE 11</b>  | <b>THE TRUE COPY OF THE FIR NO.73/2014 DATED 4.03.2014</b>                                                               |
| <b>ANNEXURE 12</b>  | <b>THE TRUE COPY OF THE FINAL REPORT DATED 4.03.2014</b>                                                                 |
| <b>ANNEXURE 13</b>  | <b>A TRUE COPY OF CRIME NO.185/2018 OF KOTTAKKAL POLICE STATION, MALAPPURAM</b>                                          |
| <b>ANNEXURE 14</b>  | <b>A TRUE COPY OF THE FINAL REPORT FILED IN CRIME NO.557/2019 OF POOCHAKKAL POLICE STATION</b>                           |



2025:KER:21015

Crl.M.C 994 & 2174 of 2016 9

**APPENDIX OF CRL.MC 2174/2016**

**PETITIONERS' ANNEXURES:**

|                     |                                                                                                                                      |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>ANNEXURE A1</b>  | <b>CERTIFIED COPY OF F.I.R IN CRIME NO.73/2014 OF POOCHAKKAL POLICE STATION</b>                                                      |
| <b>ANNEXURE A2</b>  | <b>CERTIFIED COPY OF FINAL REPORT SUBMITTED IN C.C 1469/2014 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, CHERTHALA</b> |
| <b>ANNEXURE A3</b>  | <b>TRUE COPY OF THE COMPLAINT FILED BY 2ND PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, CHERTHALA</b>             |
| <b>ANNEXURE A4</b>  | <b>TRUE COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOZHIKODE</b>          |
| <b>ANNEXURE A5</b>  | <b>A TRUE COPY OF CERTIFICATE FOR THE PERSONS WITH DISABILITIES ISSUED TO 1ST PETITIONER</b>                                         |
| <b>ANNEXURE A6</b>  | <b>A TRUE COPY OF ID CARD ISSUED TO THE 1ST PETITIONER</b>                                                                           |
| <b>ANNEXURE A7</b>  | <b>TRUE COPY OF THE COMPLAINT FILED BEFORE THE VANITHA CELL INSPECTOR</b>                                                            |
| <b>ANNEXURE A8</b>  | <b>TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN TRP(CRL.) NO 60/2014 DATED 31/3/2015</b>                                    |
| <b>Annexure A9</b>  | <b>A TRUE COPY OF THE MEDICAL CERTIFICATE DATED 17/10/2018 ISSUED BY THE MEDICAL OFFICER</b>                                         |
| <b>Annexure A10</b> | <b>A TRUE COPY OF THE CERTIFICATE DATED 28/9/17 OF MEDICAL BOARD, GENERAL HOSPITAL</b>                                               |
| <b>Annexure A11</b> | <b>THE TRUE COPY OF THE COMMON JUDGMENT DATED 29/07/2017 IN OP (DIVORCE) 334/2015 AND MC 213/2014.</b>                               |