



2026:KER:2897

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

WEDNESDAY, THE 14TH DAY OF JANUARY 2026 / 24TH POUSHA, 1947

CRL.MC NO. 6711 OF 2021

**CRIME NO.607/2017 OF IRITTY POLICE STATION, KANNUR
AGAINST THE ORDER/JUDGMENT DATED IN CC NO.1414 OF 2017 OF
JUDICIAL MAGISTRATE OF FIRST CLASS ,MATTANNUR**

PETITIONERS/ACCUSED:

- 1 UMESH,
AGED 29 YEARS
S/O. BALACHANDRAN, KARIMBANIYIL HOUSE, VILAMANA
AMSON, VALLITHODE, IRITTY POLICE STATION LIMIT,
KANNUR DISTRICT.**

- 2 JALAJA,
AGED 59 YEARS
W/O. BALACHANDRAN, KARIMBANIYIL HOUSE, VILAMANA
AMSON, VALLITHODE, IRITTY POLICE STATION LIMITED,
KANNUR DISTRICT.**

BY ADV SRI.T.M.RAMAN KARTHA

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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

- 2 STATION HOUSE OFFICER,
IRITTY POLICE STATION, KANNUR DISTRICT 670 703.**

- 3 SREEKALA,
AGED 38 YEARS
D/O. SREENIVASAN, KUNIYIL HOUSE, URUVACHAL, CHOVA
POST, KANNUR DISTRICT 670 006.**



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OTHER PRESENT:

SR.PP-SRI.A.VIPIN NARAYAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14.01.2026, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**



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C.R.

ORDER

Dated this the 14th day of January, 2026

This is a petition filed under Section 482 Cr.P.C. by the petitioners are the accused in C.C.No.1414/2017 pending before the Judicial First Class Magistrate Court, Mattannur, arising out of Crime No.607/2017 of Irity Police Station. The offences alleged against the petitioners are under Section 498A of IPC.

2. The prosecution case is that the 1st accused married the defacto complainant as per religious rights and ceremonies and while they were living together as husband and wife he along with the 2nd accused subjected her to cruelty both physically and mentally and also appropriated her 15 sovereigns of gold ornaments and thereby they are alleged to have committed the aforesaid offences.

3. According to the learned counsel for the petitioners, as per Annexure A2 judgment of the Family Court, Kannur, the marriage between the 1st petitioner and the defacto complainant was annulled and as such, the offence under Section 498A IPC will not lie against the



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petitioners. Therefore, she prayed for quashing all further proceedings against the petitioners.

4. The petition was strongly opposed by the learned Public Prosecutor.

5. From Annexure A2 judgment dated 20.02.2020, it is revealed that the Family Court, Kannur declared the marriage between the 1st accused and the defacto complainant as null and void. In the decision in **Shivcharan Lal Verma & another Vs. State of M.P. [2002 2 Crimes (SC) 177]** relied upon by the learned counsel for the petitioner, the apex court held that the offence under Section 498A IPC will not stand in case the marriage is null and void.

6. In the decision in **Suprabha v. State of Kerala [2013 (3) KLT 514]** in a similar instance, this Court also held that a valid marriage is essential to attract the offence under Section 498A IPC. In the decision in **P.Sivakumar v. State [2023 SCC OnLine SC 1737]**, also a similar view was taken by the apex court. Since in this case, the marriage between the 1st accused and the defacto complainant was



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annulled by a competent court it is to be held that there was no valid marriage between the 1st accused and the defacto complainant and as such the offence under Section 498A IPC will not lie against the petitioners.

In the result, this Crl. M.C is allowed. All further proceedings against the petitioner in C.C.No.1414/2017 pending before the Judicial First Class Magistrate Court, Mattannur, arising out of Crime No.607/2017 of Irity Police Station, stands quashed.

Sd/-

C. PRATHEEP KUMAR,
JUDGE

Pvv



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APPENDIX OF CRL.MC NO. 6711 OF 2021

PETITIONER ANNEXURES

ANNEXURE A1 CERTIFIED COPY OF FIR DATED 5.6.2017 IN CRIME NO. 607/2017 OF IRITTY POLICE STATION.

ANNEXURE A1 (A) CERTIFIED COPY OF FINAL REPORT DATED 28.9.2017 IN CRIME NO. 607/207 OF IRITTY POLICE STATION.

ANNEXURE A2 TRUE COPY OF JUDGMENT IN O.P. NO. 406/2017 OF THE FAMILY COURT, KANNUR DATED 20.2.2020.

ANNEXURE A3 TRUE COPY OF DECREE IN O.P. NO. 406/2017 OF THE FAMILY COURT, KANNUR DATED 20.2.2020.

ANNEXURE A4 TRUE COPY OF ORDER OF THIS HONBLE COURT DATED 30.6.2020 IN RP (FC) NO. 249/2018.