2026 INSC 412

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CRL.) NO.9195 OF 2025)

SIVARAMAN NAIR
AND OTHERS **... APPELLANT(S)**

VERSUS

STATE OF KERALA
AND ANOTHER **... RESPONDENT(S)**

J U D G M E N T

AUGUSTINE GEORGE MASIH, J.

1. Leave granted.

2. The present appeal assails the judgment and order dated 25.11.2024 passed by the High Court of Kerala at Ernakulam in Crl.MC. No.5826 of 2023 whereby the High Court declined to quash the proceedings arising out of FIR No.1318 of 2016 registered at Museum

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Reason:

Police Station, Thiruvananthapuram, Kerala under sections 494 and 498A read with section 34 of the Indian Penal Code,1860 (hereinafter referred to as 'IPC') lodged at the instance of Respondent no.2 herein against her husband, her father-in-law (Accused-appellant no.1 herein), mother-in-law (Accused-appellant no.2 herein) and sister-in-law (Accused-appellant no.3 herein).

3. The facts in brief are that Respondent no.2 married Syam Sivaraman Nair on 19th December 2007.

4. On 24th August 2016, she filed a complaint before the police station alleging that she was subjected to dowry harassment from the inception of her marriage. She stated that her husband took her to Abu Dhabi after her marriage while the accused-appellants resided in Kawdiar, Kerala. While she was residing with her husband, she was often physically assaulted and mentally tortured by him. It was alleged that he would take drugs and torture her

with demand of Rs.30 lakhs and 47 sovereigns of gold.

5. She further stated that on her becoming pregnant, she came to live in her native village in October 2008. While she was living there, her husband would frequently call her and harass her regarding dowry. He took her back with him in September 2009 under the impression of arranging for a job for her but she was again mentally and physically harassed there.

6. Thereafter, in April 2010 she was taken to the house in Saudi Arabia where the accused-appellants were residing. There she overheard them discussing the sale of 153 gold sovereigns and was subjected to assault and threatened by her husband regarding the matter.

7. It was alleged that in June 2010 she was taken back to India and upon her objections to discussions regarding sale of the gold sovereigns, she was threatened of being abandoned with her child. The 153 gold sovereigns were sold and a Volkswagen car was

purchased in the name of her husband from the amount received. The balance amount was given to her sister-in-law for purchasing a flat.

8. She again went abroad in October 2010 with her husband where she was frequently assaulted for dowry by him. It was alleged that pursuant to this her elder brother gave the parents of her husband Rs. 5 lakhs on 26th May 2011, Rs.15 lakhs on 31st August 2011 and Rs. 9 lakhs on 22nd June 2011. Thereafter, she was left in her native village while her husband went abroad.

9. In February 2015, her husband took her back to reside in Mavelikkara, Kerala. While residing there, a lawyer's notice was received in the name of her husband which was sent by one Simran G. who claimed to be his wife. Photos of them standing together were also received. When she enquired regarding this, she was told that they were sent by somebody to fool her. Later on, her brother discovered that her husband had gotten married to one Simran in Andhra on 21st May 2013 by suppressing that he was already

married.

10. After a few months, in September 2015, her husband again started demanding money and assaulting her, after which her elder brother paid them Rs.2 lakhs in instalments. She also alleged that she was assaulted by her husband in the presence of the accused-appellants when she inquired regarding the second marriage.

11. Based on this complaint, an FIR was registered against the husband and the accused-appellants. Upon investigation, a chargesheet came to be filed on 11th September 2018 before the Judicial Magistrate of First Class. Charges were framed and the accused persons pleaded not guilty and claimed trial. In July 2023, the accused-appellants approached the High Court of Kerala by filing a petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'CrPC') bearing Crl. M.C. No.5826 of 2023 seeking quashing of proceedings against them.

12. By the impugned judgment and order dated

25.11.2024, the High Court noted that the prosecution records did not justify the contentions of the accused-appellants that the allegations of cruelty were not made out against them and that the second marriage was not known to them. On this basis, the High Court refused to quash the proceedings, underscoring the need for trial against the accused-appellants.

13. Aggrieved, the accused-appellants have now approached this Court by way of the present appeal.

14. The Learned Counsel for the accused-appellants submits that the accused-appellants are aged individuals who were not residing with the complainant during the relevant time and had no role in her marital life. There are no specific allegations of cruelty against them. Rather, the complaint consists of vague allegations that are not supported by any independent material. The mere presence of the accused-appellants as the relatives of the husband does not establish

common intention. Reliance is placed on *Geddam Jhansi and Another v. State of Telangana and Others*[1] to contend that criminal proceedings in matrimonial disputes must be based on specific allegations supported by material evidence and allowing the present criminal proceedings to continue would amount to an abuse of process of law.

15. Furthermore, it is submitted that there is a significant delay in lodging the FIR as the allegations pertain to incidents that are alleged to have taken place between 2007 and 2010, whereas the FIR was registered only on 24th August 2016. This unexplained delay in filing the complaint raises serious doubts regarding the credibility of the allegations and suggests an afterthought to harass the accused-appellants.

16. With regard to the allegations under Section 494 of the IPC, reliance is placed on *S. Nitheen and Others v. State of Kerala and Another*[2], to contend that liability under the section cannot

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[1] 2025 SCC OnLine SC 263
[2] (2024) 8 SCC 706

extend to any person other than the spouse alleged to have contracted the second marriage. There are no allegations or evidence of the participation or facilitation of the accused-appellants in the marriage and they are sought to be implicated solely on the basis of their familial relationship with the accused-husband.

17. It is submitted that the accused-appellants cannot be penalised for non-disclosure of bigamy and failure to interfere between husband and wife when he allegedly inflicted violence on the complainant.

18. The Learned Counsel for the Complainant, on the other hand, submits that the accused-appellants were not strangers to her marital life and resided with them at the matrimonial home at Mavelikkara, Kerala. Their conduct directly contributed to the physical and mental cruelty inflicted upon her. Their involvement was active and continuous as they always encouraged the cruelty inflicted by the accused-husband upon her.

19. It is submitted that they received the instalments of the amounts paid by her brother. They also colluded with her husband and sold the gold which was gifted to her by her parents at the time of her marriage without her consent. It is also submitted that it is apparent from the photographs that the accused-appellants were fully aware of the second marriage. They manipulated her and convinced her to reside with the accused-husband. These actions are sufficient to attract the offences under Sections 494, 498A read with 34 of the IPC.

20. It is also submitted that the alleged delay in lodging the complaint does not vitiate the prosecution as the FIR and Final Report disclose a continuous pattern of physical and mental cruelty which continued until her separation. Prayer, on the basis of these submissions, is made for dismissal of the appeal.

21. It is a settled position of law as laid down by this Court in *State of Haryana and Others v. Bhajan*

Lal and Others[3] that the inherent powers of the Court under section 482 CrPC are to be exercised 'to prevent the abuse of the process of any court or otherwise to secure the ends of justice.' Paragraph 102 is extracted herein below:

> *"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
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> *(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a*

[3] 1992 Supp (1) SCC 335

cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on

the accused and with a view to spite him due to private and personal grudge."

22. We have heard Learned counsel for the parties and have carefully perused the material on record. In light of the abovementioned position of law, two questions fall for consideration: first, whether the allegations contained in the FIR and the chargesheet prima facie disclose the commission of offences under Sections 498A and 494 read with Section 34 of the IPC against the accused-appellants specifically, as distinct from the accused-husband; and second, whether, in the facts and circumstances of the present case, the continuation of criminal proceedings against the accused-appellants would amount to an abuse of the process of law within the meaning of Section 482 of the CrPC.

23. At the outset, it is to be noted that the gravamen of the complaint lies against the accused-husband. Specific allegations regarding physical assault, demand of dowry and mental torture have been made against him pertaining to specific dates and incidents. The allegations

against the accused-appellants however are less of that of active involvement and are mostly that of them being present or encouraging the harassment meted out by the accused-husband. This Court in *Dara Lakshmi Narayana and Others v. State of Telangana and Another*[4] has laid a word of caution in a similar case involving quashing of proceedings against members of the husband's family, by noting that:

> *" 27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. …"*

24. In the present case, accused-appellant no. 1, the father-in-law, and accused-appellant no. 2,

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[4] (2025) 3 SCC 735

the mother-in-law, are alleged to have been present during certain incidents of harassment and to have received amounts paid by the complainant's brother. However, the FIR does not attribute to them any specific act of demand, threat, or physical assault on any identifiable occasion.

25. Accused-appellant no. 3, the sister-in-law, is alleged to have received money for the purchase of a flat from the proceeds of the sale of gold, but no specific act of cruelty or coercion on her part has been alleged. No other allegations have been made against her except for the receipt of such money. In all three instances, the allegations consist of general statements of presence and encouragement rather than specific acts that individually constitute the offence of cruelty under Section 498A of the IPC.

26. Coming to the allegations under Section 494 of the IPC, it has been held in *S. Nitheen (supra)* that in order to bring home the said charge, the complainant is required to prima facie prove the

overt act or omission of the accused persons in the second marriage ceremony. The prosecution has failed to provide any cogent evidence to establish such overt act or intention on part of the accused-appellants.

27. The High Court relied upon the statement of a witness to infer knowledge on the part of the accused-appellants. However, such inferential knowledge, without more, is insufficient to satisfy the threshold established in S. *Nitheen (supra),* which requires evidence of an overt act or omission. While it has been alleged that the accused-appellants were aware of the second marriage, mere knowledge that an act is being or has been committed by another person does not, by itself, establish the requisite common intention. Even proceeding on the basis that the accused-appellants were aware of the second marriage, there is no allegation, let alone any material, to suggest that they actively participated in, facilitated, or encouraged the solemnisation of that marriage.

28. In view of the aforementioned reasons, the impugned order dated 25.11.2024 is set aside and the proceedings arising out of FIR No. 1318 of 2016 registered at Museum Police Station, Thiruvananthapuram stand quashed qua the accused-appellants herein.

29. The appeal is allowed in the aforesaid terms.

30. Pending application(s), if any, shall stand disposed of.

.....J.
[SANJAY KAROL]

.....J.
[AUGUSTINE GEORGE MASIH]

NEW DELHI;
APRIL 24, 2026.