

Saheer vs State Of Kerala on 25 August, 2022

Author: Kauser Edappagath

Bench: Kauser Edappagath

CrL.MC No.5848/2022

1/3

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
Thursday, the 25th day of August 2022 / 3rd Bhadra, 1944
CRL.MC NO. 5848 OF 2022

CRIME NO.461/2022 OF Alappuzha South Police Station, Alappuzha

PETITIONER/ACCUSED :

SAHEER, AGED 34 YEARS, SON OF S.ABDULSAMAD, S.R.MANZIL,
MANGALAPURAM, THONNAKAL.P.O., THIRUVANANTHAPURAM, PIN - 695317

RESPONDENTS/STATE, INVESTIGATING OFFICER & DE-FACTO COMPLAINANT :

1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
2. SUB INSPECTOR OF POLICE ALAPPUZHA SOUTH POLICE STATION ALAPPUZHA, PIN - 688001
3. HANNA RASHID AGED 33 YEARS DAUGHTER OF RASHID, MADATHINKAL, CHOKKALINGAPURAM, VELLAKINAR, ALAPPUZHA, PIN - 688001

This Criminal misc. case coming on for orders upon hearing the arguments of Mr. D.AJITHKUMAR, Advocate for the petitioner and the Public Prosecutor for R1 and R2, the court passed the following:
CrL.MC No.5848/2022 2/3

DR.KAUSER EDAPPAGATH, J.

CrL.M.C.No.5848 of 2022

Dated this the 25th day of August, 2022

ORDER

Admit. Public Prosecutor takes notice for the 1st and 2nd respondents. Issue notice to the 3rd respondent.

Annexures-B, E and H are the three 'talaq kuries' allegedly issued by the petitioner to his wife. From these documents as well as from the allegations in the complaint it appears that the talaq pronounced by the petitioner is not an instantaneous one so as to attract the offence under Section 3 of the Muslim Women (Protection of Rights on Marriage) Act. Hence, the investigating officer shall not file final report without the permission of this Court.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE skj 25-08-2022 /True Copy/ Assistant Registrar Annexure B TRUE COPY OF THE FIRST 'TALAQ KURI' SENT BY PETITIONER TO THE 3RD RESPONDENT DATED NIL Annexure E TRUE COPY OF THE SENT SECOND 'TALAQ KURI' DATED 12.03.2022 SENT BY PETITIONER TO THE 3RD RESPONDENT Annexure H TRUE COPY OF THE THIRD 'TALAQ KURI' DATED 16.04.2022 SENT BY PETITIONER TO THE 3RD RESPONDENT BY ARAMEX COURIER