



Indian Law Reports - Kerala Series

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If no charge sheet has been filed against a person, offence under Section 111(1) cannot be said to be attracted - Ali Akbar v. State of Kerala, I.L.R. 2024 (3) Kerala 1114. [Neutral citation – 2024:KER: 62772](#)

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Once an order to stop the proceedings invoking Section 258 of Cr PC is passed, the magistrate is functus officio and cannot further invoke the powers under Section 319—To invoke powers under Section 319 of Cr PC, it is necessary to have some person included in the array of accused - *Manaf v. Sub Inspector of Police*, I.L.R. 2024 (3) Kerala 1124. [Neutral citation – 2024:KER:60725](#)

Article 348 (1) (b)—‘Authoritative Text’ —The term ‘Authoritative text’ of the statute means content of the statute and not the name of the statute - *Jeevesh P.V. v. Union of India*, I.L.R. 2024 (3) Kerala 1093. [Neutral citation – 2024:KER: 63693](#)

In a matrimonial relationship, it is often difficult for spouses to keep track of every single incident that occurs, especially when they are overwhelmed by persistent abuse and harassment—Constant strain can blur the specifics of each incident, making it challenging to recall exact dates and details, which should not undermine the credibility of their experiences or the severity of their claims—Cruelty is evident where one spouse has so treated the other and manifested such feelings towards her or him as to cause in her or his mind reasonable apprehension that it will be harmful or injurious to live with the spouse - *Geetha S. v. Pradeep G.*, I.L.R. 2024 (3) Kerala 1107. [Neutral citation – 2024:KER: 53560](#)

When one spouse seeks freedom from a relationship that has become a source of distress, denying this request only perpetuates suffering and contradicts the very essence of marital bond—Refusal to acknowledge irretrievable breakdown of marriage does more harm than good, inflicting emotional pain and preventing both parties from moving forward with their lives -*Geetha S. v. Pradeep G.*, I.L.R. 2024(3) Kerala 1197. [Neutral citation – 2024:KER: 53560](#)

In order to attract the offence under Section 23 of JJ Act, 2000, it must be committed by a person having actual charge or control over a juvenile - *Aneesh, C. No. 3243 v. State of Kerala*, I.L.R. 2024 (3) Kerala 1097. [Neutral citation – 2024:KER:58375](#)

The High Court should follow the view taken by another division bench of the same High Court especially as grounds of detention and grounds of challenge are identical—If the latter bench is of the opinion that the earlier decision of the coordinate bench of the same High Court was not correct in law, the only option available to it is to refer the matter to a larger bench - *Shabna Abdulla v. Union of India*, I.L.R. 2024 (3) Kerala 1085 [S.C.]. [Neutral citation – 2024 INSC 612](#)

Human Rights Commission being a quasi-judicial body is duty bound to comply with the principles of natural justice while disposing of complaints/petitions filed before it and must afford an effective opportunity of being heard to the interested parties before proceeding to finally dispose of such a complaint/petition—A perfunctory three line order rendered after the completion of filing of pleadings and without hearing the parties, can only be termed as unreasonable, mechanically arrived at and without proper application of mind to the issues at hand—Term ‘dismiss in limine’ explained – Varghese T.J. v. Kerala State Human Rights Commissioner, I.L.R. 2024(3) Kerala 1157. [Neutral citation – 2024:KER: 54668](#)

When appellate court held in its judgment that petitioner was entitled to get the order of residence modified by providing a satisfactory alternative accommodation to 1st respondent, it was incumbent upon that court to consider the plea for modification on its’ merits—Right created in favour of a wife is not an absolute embargo for initiating or continuing civil proceedings relating to the building in question - Jacob P. Mathew v. Mini K.U., I.L.R. 2024 (3) Kerala 1149. [Neutral citation – 2024:KER: 57610](#)

In order to attract the offences under SC and ST (Prevention of Atrocities) Act, 1989, it must be committed only because the victim belonged to scheduled caste or scheduled tribe - Aneesh, C. No. 3243 v. State of Kerala, I.L.R. 2024 (3) Kerala 1097. [Neutral citation – 2024:KER: 58375](#)
