



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.R.C.(MD).No.675 of 2019

Gomathi

... Petitioner

Vs.

1.Veerabaghu

2.Arumugam

3.Thiripurasundari

4.Jeyalakshmi

5.S.Veerabaghu @ Karthee

6.Thiripurasundari

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. praying to call for the records relating to the impugned order of the learned I Additional District and Sessions Judge, Tirunelveli passed in CrI.A.No.12 of 2017 dated 20.10.2017 dismissing the order passed by the learned Judicial Magistrate, Sankarankovil in M.C.No.16 of 2012 dated 26.09.2016 with the relief No.1 granting protection order under Section 18 of the Act against the respondents herein that they should not



harass the petitioner by demanding dowry and set aside the same and allow this revision petition.

For Petitioner : Mr.R.J.Karthik

For Respondents : Mr.S.Kiruba Vijayanand for R1 to R6

ORDER

The petitioner herein has filed this Criminal Revision Case as against the impugned order of the learned I Additional District and Sessions Judge, Tirunelveli in CrI.A.No.12 of 2017 dated 20.10.2017 dismissing the order passed by the learned Judicial Magistrate, Sankarankovil in M.C.No.16 of 2012 dated 26.09.2016 with regard to the relief No.1 granting protection order under Section 18 of the Act as against the respondents herein.

2. The petitioner is the wife of the first respondent. The marriage between the petitioner and the first respondent took place on 09.05.2010. Thereafter, on 03.02.2011, a male child was born. In the said circumstances, within a period of four months, he left the matrimonial home. Thereafter, there was some dispute regarding the demand of dowry and other cruelty. Hence, a complaint was laid before the jurisdictional



police station and the same was registered in Crime No.20 of 2012.

Thereafter, the first respondent filed the divorce petition before the jurisdictional Court. The petitioner herein has filed a petition in M.C.No. 16 of 2012 under the Domestic Violence Act.

3.To prove her claim, she examined herself and another witness P.W.2 and also exhibited Ex.P1 to Ex.P3. The first respondent did not appear, but the learned trial Judge considering the evidence granted the following reliefs:

இறுதியாக(1) எதிர்மனுதாரர்கள் மனுதாரரிடம் கூடுதல் வரதட்சணை கேட்டு எவ்வித தொந்தரவும் செய்யக் கூடாது என்று குடும்ப வன்கொடுமை தடுப்புசட்டம் பிரிவு 18-படி பாதுகாப்பு உத்தரவு வழங்கியும்

(2) 1ம் எதிர்மனுதாரர் மனுதாரருக்கு வாழ்க்கை பொருளுதவி தொகையாக மனுதாரர் கோரியுள்ள ரூ.7000 மனுதாக்கல் செய்த நாளிலிருந்து 2016 ம் வருடம் செப்டம்பர் மாதம் வரையிலான தொகையினை இன்றிலிருந்து (26.09.2016) இரண்டு மாத காலத்திற்குள் மனுதாரரிடம் செலுத்த வேண்டும் என்றும் 2016 ம் ஆண்டு அக்டோபர் மாதத்திலிருந்து செலுத்த வேண்டிய ஜீவனாம்ச தொகையினை ஒவ்வொரு ஆங்கில மாதமும் 5ம் தேதிக்குள் மனுதாரர் வசம் செலுத்த வேண்டும் என்றும் குடும்ப வன்கொடுமை தடுப்புச் சட்டம் பிரிவு 20 ன்படி உத்தரவு பிறப்பித்தும்



- (3) 1ம் எதிர்மனுதாரர் மனுதாரருக்கு மேற்படி உத்தரவின்படி வாழ்க்கை பொருளுதவி வழங்காமல் இருந்து பொருளாதார ஊறு விளைவித்து குடும்ப வன்முறை இழைக்கக்கூடாது என்று மேற்படி சட்டம் பிரிவு 18ன்கீழ் பாதுகாப்பு உத்தரவு பிறப்பித்தும்
- (4) எதிர்மனுதாரர்கள் மனுதாரரிடம் விவாகரத்து கேட்டு கொடுமைப்படுத்தக் கூடாது என்று பாதுகாப்பு உத்தரவு வழங்கவேண்டும் என்று மனுதாரர் கேட்டுள்ள பரிகாரத்தைப் பொறுத்து மனுவினை தள்ளுபடி செய்தும் உத்தரவிடப்படுகிறது.
- (5) இந்த உத்தரவின் நகலை மனுதாரருக்கும் எதிர்மனுதாரர்களுக்கும் இலவசமாக வழங்கவும் மற்றும் மாவட்ட பாதுகாப்பு அலுவலர் திருநெல்வேலி அவர்களுக்கு அனுப்பிவைக்கவும் உத்தரவிடப்படுகிறது.

Challenging the same, the statutory appeal was filed under the Domestic Violence Act before the learned I Additional District and Sessions Judge, Tirunelveli.

4.The learned Appellate Judge considered the evidence and also the impugned order and dismissed the relief regarding Section 18 of the Act ie., restraining the respondent from demanding any dowry. The learned Appellate Judge relied the order of this Court and also the closure report of the jurisdictional police officer to be declined the salary. The learned trial Judge, on appreciation of the evidence and also the



document, gave a finding that there was no demand of dowry on the part of the respondents herein. He also placed the reliance on the order of this Court in CrI.O.P.No.13911 of 2016. The closure report of the respondent police was challenged by the wife before the jurisdictional Court. The jurisdictional Court also dismissed the said petition and the same was taken on file in C.C.No.248 of 2019. The same was also challenged by the respondents and this Court allowed the quash petition. This Court also finds that there was no merit in the allegation against the respondents that they demanded dowry. In view of the above situation, this Court finds no merit in the petition after considering the evidence available on record.

5. Admittedly, the petitioner preferred the complaint before the jurisdictional police stating that alleged demand of dowry. The jurisdictional police officer conducted the investigation and filed a negative report before the learned Judicial Magistrate. The said negative report itself specifically found that there was no demand of dowry. The said finding was challenged by the petitioner by filing a private complaint and the private complaint was taken on file in C.C.No.240 of 2019. The said private complaint was quashed by this Court with specific



finding that there was no demand of dowry.

6. In view of the above proceedings, the learned Appellate Judge has correctly dismissed the relief under Section 18 of the Act, ie, the claim of the petitioner praying injunction restraining the respondents from demanding dowry. Apart from that the parties are in a strained relationship from 05.06.2011 onwards. In the said circumstances, the divorce proceedings were also initiated. The same also ended in favour of the husband. In view of the said fact also, this Court is inclined to confirm the finding of the learned Appellate Judge.

7. Accordingly, this Criminal Revision Case stands dismissed. The Judgment passed by the I Additional District and Sessions Judge, Tirunelveli in CrI.A.No.12 of 2017 dated 20.10.2017 rejecting the relief under Section 18 of Domestic Violence Act is confirmed.

05.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate,
Sankarankovil.
2. The I Additional District and Sessions Court,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section (Records)
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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