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CrI.O.P.No.20658 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.Not known of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was collectively cheated by A1 to A3 repeatedly by demanding dowry from them under a promise to marry complainant's daughter, K.Yasodha. The amount thus misappropriated from complainant and his family adds to a sum of Rs.4,38,75,300/-. A3 and his family had approached complainant in 2014 through one, R.M.Chidambaram, relative of the accused A2 to discuss a proposal for the marriage of complainant's daughter.

2.1 Though complainant initially refused the said alliance, through the intervention of the extended family and community elders, he



Crl.O.P.No.20658 of 2022

accepted the proposal in good faith. Subsequently the accused A3- Subramanian and his family conducted a ceremony called as 'Pen Azhaippu' for complainant's daughter, a custom followed in his community signifying the marriage fixed between the two families at Bala Vinayagar Temple in Nandanam on 17.09.2015. Further, both families hosted the subsequent portions of the ceremony at Rajendra Hall in ITC Grand Chola, Guindy. The ceremony of 'Pen Azhaippu' was arranged. Complainant owing to their demands of making it a luxurious event, gifted silver, gold, diamonds and other valuables to the tune of Rs.1,75,00,000/-. A3 and his family also gifted valuables approximately to the tune of Rs.1,00,00,000/- to complainant's daughter. A3 and A2, in good faith agreed to introduce complainant's daughter to A3's son who is A1 amidst friends and family in Munnar on 19.05.2017. Since then, Kasthuri families began to build a relationship with each other and the daughter had especially built a close relationship with the A1 trusting the words of accused and his family.

2.2 In the month of September 2017, A3 started



Crl.O.P.No.20658 of 2022

incessantly approaching complainant to buy a property as part of the marriage. A3 convinced complainant that the said property would be registered in both A1 and complainant's daughter Yasotha. In good faith, complainant gave more than half of the consideration to the tune of Rs.3,47,75,300/- towards its various cost. At the time of Registration, A3 deceptively and dishonestly convinced complainant that there is no requirement to register the property in Yasotha's name as they would eventually be married. Complainant agreed to the same for the sake of his daughter's marriage happening without any conflict. A copy of the sale deed dated 02.05.2018 of the said property situated in OMR at Survey No.339/1, 340/A/1B1 and 340/2A1A registered as document No.2932 of 2018 at the Sub Registrar Office, Neelankarai.

3. Mr.S.Prabakaran, Senior Counsel appearing for the petitioners submitted that marriage and relationship are the interest of every individual and nobody can force anyone to be with them or to get married compulsorily. There is no love proposal or physical relationship between the first petitioner and the victim. It is only proposal out of love



CrI.O.P.No.20658 of 2022

and affection among the family expressed in the year 2015 since they were minors at that point of time. It was decided by both the family that after attaining majority, the proposal can be executed. Therefore, the first petitioner is no way connected with the offence as alleged by the defacto complainant. In fact the second petitioner has lodged complaint with AWPS, Mylapore on 03.12.2021 and he was issued CSR.No.202 of 2021. All had taken decision that the marriage proposal was dropped. Now the defacto complainant and their family members forced and coerced the petitioners by alleging false complaint. He further submitted that the property which was purchased by loan and the said loan transaction has been periodically accounted in the income tax returns. No amount has been paid by the defacto complainant for marriage proposal. At worst, the petitioners ought to pay only around Rs.80,00,000/- and they are ready and willing to return the amount.

4. Heard, Mr.S.Prabakaran, Senior Counsel appearing for the petitioners, Mr.A.Gopinath, Government Advocate (crl.side) appearing for the respondents / police and Mr.S.Manuraj, the learned



Crl.O.P.No.20658 of 2022

counsel for the intervenor.

5. It is seen that the first petitioner is the son of and the second and third petitioners are parents of the first petitioner. The petitioners had approached the complainant in the year 2014 to discuss the proposal for marriage of the complainant's daughter. The complainant accepted the proposal in good faith and conducted a ceremony in a hotel. Even at that time of ceremony, the complainant presented silver, gold, diamond and other valuables to the tune of Rs.1,75,00,000/-. While being so, in the month of September 2017, the second petitioner approached the complainant to buy a property as a part of the marriage presentation. In good faith, the complainant presented more than half of the sale consideration of the property to the tune of Rs.3,47,75,300/-. On receipt of the said money, the second petitioner herein purchased the property and registered in their name vide document No.2932 of 2018. Again on various dates, the complainant paid a sum of Rs.16,00,000/- to the second petitioner herein. However, thereafter the petitioners refused to arrange marriage and thereby cheated the complainant. In fact, the victim has been



CrI.O.P.No.20658 of 2022

pushed to deep mental turmoil and anguish and also in profound mental distress. The petitioners had deceived and dishonestly induced the complainant to pay huge money under the false promise of marriage of the victim.

6. While pending this petition, on the complaint lodged by the complainant, the second respondent herein registered FIR in crime No.6 of 2022 for the offence under Sections 406 and 420 of IPC altered into Section 417 of IPC r/w Section 4 of Dowry Prohibition Act. The learned Senior Counsel would further submit that the marriage of the first petitioner is fixed to be held on 30.08.2022. The petitioners having been agreed to get marry the daughter of the complainant and now proposed to get marry with another girl to be held on 30.08.2022. Therefore, all the petitioners have cheated the defacto complainant and his daughter on the false promise of marriage and committed very serious offence. Hence, their custodial interrogation is very much required in this Case and this court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this criminal original petition is



CrI.O.P.No.20658 of 2022

dismissed.

29.08.2022

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Crl.O.P.No.20658 of 2022

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Crl.O.P.No.20658 of 2022

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