



Crl.O.P.No.26481 of 2022

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WEB C **M.NIRMAL KUMAR, J.**

The petitioners who were arrayed as A1 and A2 in Crime No.19 of 2022 for the offence under section 417, 376 IPC r/w. 4 of Dowry Prohibition Act, 1961 filed this anticipatory bail petition.

2.The gist of the complaint is that the first petitioner employed as an Instructor in a Gym and the second petitioner, who is his aunt, is taking care of him. The parents of the first petitioner, namely, Mr.Anbu and Mrs.Vijaya approached the defacto complainant for bride. Thereafter, both the families agreed for the marriage, on 13.12.2021, engagement was held in a grand manner in London Mahal, Pulianthope, during the engagement function, the first petitioner presented a ring to the defacto complainant. After the engagement, the first petitioner was regularly in contact with the defacto complainant and used to say that the marriage is almost half completed. Thereafter, on his compulsion the defacto complainant was taken to the house of one Divya, who is his relative on 12.02.2022 where the first



Crl.O.P.No.26481 of 2022

petitioner had physical relationship with her by force and further, on threat that if the defacto complainant refused for physical relationship, marriage would be called off. When the defacto complainant's family members approached the petitioners for fixing the marriage date, at that time they demanded 20 sovereigns of gold, a flat screen TV, Air-conditioner and a cash of Rs.50,000/- as dowry, over and above the accepted sridhana articles. Despite the defacto complainant's assurance that according to their financial strength and family status appropriate gifts would made, the demand of the petitioners persisted, the first petitioner slowly started avoiding the defacto complainant. The defacto complainant complaint to the family members, they failed to resolve the dispute, on the contrary encountered the first petitioner, due to the broken marriage the defacto complainant looked down in her locality. Since the first petitioner having forced physical relationship with the promise to marry, now refuse to marry the defacto complainant, hence the defacto complainant lodged a complaint.

3.The learned counsel for the petitioners submitted that the first petitioner filed an affidavit stating that dowry was never demanded from the



Crl.O.P.No.26481 of 2022

family members of the defacto complainant, only due to the conduct and attitude of the defacto complainant, the marriage proposal was kept on hold and even on the date of engagement, there was some misunderstanding between the petitioners' family and the defacto complainant's family. It is further stated that the first petitioner is an Ayyappa devotee, who regularly visits Sabarimala and the defacto complainant started imposing conditions on the first petitioner with regard to his belief and worship. Hence, difference of opinion arose between them, by her own attitude of defacto complainant, present situation arose. Added to it, the defacto complainant's brother and family members threatened the first petitioner and attempted physical assault. Hence, the petitioners were forced to cancel the proposed marriage.

4.The defacto complainant appeared through counsel and submitted the first petitioner's parents who are residing in the same locality approached the defacto complainant for the marriage proposed with the first petitioner. The petitioners well aware about the social and family background status of the defacto complainant. It is further submitted that



Crl.O.P.No.26481 of 2022

the defacto complainant never objected for the first petitioner visiting Sabarimala or his belief. According to the defacto complainant, all Gods are one and she has no objection. It was the attitude of the first petitioner and his aunt in demanding dowry during the engagement created some ruckus. It was agreed on the side of the defacto complainant that six sovereigns of gold jewels would be presented, household articles including Television and a motor bike would be presented as sridhana. Contrary to the understanding, the petitioners started making huge demands as dowry and using the same, now avoiding the defacto complainant. This is despite after close relationship the first petitioner developed with the defacto complainant. The defacto complainant having no other choice finding the first petitioner scouting for another bride lodged the complaint.

5.The learned Government Advocate [Crl. Side] submitted that on the complaint of the defacto complainant, the first petitioner was summoned to the Police Station where he admitted the engagement and also his close relationship with the defacto complainant. He further submitted that the first petitioner projected as though a family panchayat was held, in which it



Crl.O.P.No.26481 of 2022

was decided that both the first petitioner and the defacto complainant agreed to move away from each other. The relatives and elders of the defacto complainant refuted the same, all inclined only to continue the marriage proposal of the first petitioner with defacto complainant. During the engagement function, there was some misunderstanding between the petitioners' family and the defacto complainant's family which now magnified by the petitioners and using it a reason, now avoiding the defacto complainant. The only endeavour of the defacto complainant is that she wanted to marry the first petitioner, continue her relationship with him and to lead a peaceful and happy married life.

6.This Court on the submission of either side found that it is purely a matrimonial dispute, may be out of infatuation hormones and age factor after engagement both the first petitioner and the defacto complainant moved in close quarters. Thereafter, both were summoned to the Court, mediation took place along with their family members and their respective counsels, wherein it was found that the issue could be resolved. Thereafter, the first petitioner agreed to marry the defacto complainant and the marriage



Crl.O.P.No.26481 of 2022

was performed on 20.11.2022 at Arulmigu Anjaneyar Temple in the presence of both the family members. The marriage was also registered with the temple authorities, they are waiting for the marriage certificate from the temple authorities and the marriage would be registered before the SRO shortly, preferably on 25.11.2022, at that time it was agreed that the first petitioner would tie Gold Thali replacing the present Turmeric Symoblic Thali. It was also agreed that after the registration of the marriage in the Registrar Office, the defacto complainant would accompany the first petitioner and soon they will find an accommodation to live separately. Further, it was also agreed by the first petitioner that within one or two months period, a reception would be held within his financial limits, the family members of both the first petitioner and the defacto complainant will participate in the same making their relationship public and also to have some happy moments. Both agreed and undertook that they would lead a happy married life henceforth, now no dispute between them. The parents of the first petitioner and the defacto complainant also concurred and vouched for the same. An affidavit of understanding was filed by the first petitioner as well as the mother of the first petitioner, Mrs.Vijaya.



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Crl.O.P.No.26481 of 2022

7.Tmt.Latha, Sub-Inspector of Police, All Women Police Station, Pulianthope played an immense role in the mediation and also took steps to collect documents, approach the temple authorities for the marriage held and further taking steps with the SRO to get the marriage registered. The Police Officer's effort is laudable. In view of the same, this Court directs the respondent police not to further precipitate the cordial relationship which is cobbled together with great difficulty on the efforts of everyone. The investigation to be put in cold storage giving priority to the restoration of matrimonial life of the first petitioner and the defacto complainant. The respondent police to have a watch over the relationship and also ensure that the marriage is registered as well as a proper reception befitting their status is held and also to ensure that the first respondent and the defacto complainant live as husband and wife with all happiness. The respondent police after certain period finding the relationship to be strong and proper, the above case can be dealt appropriately and closed. In the event of the



Crl.O.P.No.26481 of 2022

petitioners failed to adhere to the above undertaking, the respondent police is free to proceed in the above case.

8. With the above directions, the Criminal Original Petition stands disposed of.

24.11.2022

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Crl.O.P.No.26481 of 2022

M.NIRMAL KUMAR, J.

cse

Crl.O.P.No.26481 of 2022

24.11.2022