



Crl.R.C.No.1398 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1398 of 2022

S.Pavithra

... Petitioner

Vs.

V.Sridhar

... Respondent

PRAYER : Criminal Revision filed under Section 397 (1) r/w. 401 of the code of Criminal Procedure, 1973 to set aside the judgment of the learned II Additional District and Sessions Judge, Poonamallee, Thiruvallur District, in C.A.No.29 of 2021 by an order dated 05.08.2022 by dismissing the appeal and confirming the judgment of the learned Judicial Magistrate No.I, Poonamallee, in D.V.C.No.10 of 2017 dated 16.02.2017 by allowing this criminal revision petition.



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For Petitioner : Mr.S.Suresh

For Respondent : Mr.R.C.Paul Kanagaraj

ORDER

The Criminal Revision Case has been filed to set aside the judgment dated 05.08.2022 passed by the learned II Additional District and Sessions Judge, Poonamallee, Thiruvallur District, in C.A.No.29 of 2021, confirming the judgment dated 16.02.2017 passed by the learned Judicial Magistrate No.I, Poonamallee, in D.V.C.No.10 of 2017.

2. The learned counsel appearing for the petitioner submits that the petitioner and the respondent are husband and wife and the petitioner has made a complaint against the respondent under Sections 20 and 22 of Domestic Violence Act seeking Rs.20 Lakhs towards monetary relief for the financial loss suffered by her under Section 20 of the Protection of Women from Domestic Violence Act, 2005 and Rs.30 Lakhs towards compensation and damages for the torture made by the respondent and his family members



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and the emotional distress caused to her by the respondents under Section 22 of the Protection of Women from Domestic Violence Act, 2005, and to return the dowry articles received from the petitioner at the time of marriage, before the learned Judicial Magistrate No.I, Poonamallee, which was taken on file in D.V.C.No.10 of 2017 and the trial Court dismissed the complaint by issuing a direction to the respondents herein to hand over the silver articles like Pillaiyar-1, Pillaiyar Manai-1, Plate-2, Milk Jakku-1 and Copper articles of Brass Kuthu Vilakku-2 and Pooja Utensils and Cot, mattress and Godrej Steel Bureau within a period of 60 days from the date of receipt of the order to the petitioner, against which, the petitioner preferred an appeal in C.A.No.29 of 2021 since the allegations leveled against the respondent were not properly adjudicated by the trial Court, however, the Appellate Court has also dismissed the complaint confirming the judgment of the trial Court. Aggrieved by the same, the present petition has been filed.



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3. The learned counsel appearing for the respondent would submit that in order to prove the domestic violence, no sufficient evidence or material was produced by the petitioner before the trial Court, therefore, the trial Court has rightly dismissed the complaint which was also confirmed by the Appellate Court in the appeal preferred by the petitioner and as per the order of the trial Court, the first respondent has handed over the silver articles, copper articles, Pooja utensils, cot, mattress and Godrej steel bureau.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. The petitioner, who is the wife of the respondent, has filed a complaint under Section 20 and 22 of Protection of Women from Domestic Violence Act, 2005 against the respondents seeking monetary relief of Rs.20 Lakhs and a sum of Rs.30 Lakhs towards compensation and damages



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for the torture made by the respondent and his family members and the emotional distress caused to the petitioner by the respondents and to return the dowry articles received from the petitioner at the time of marriage. The trial Court, after scrutinizing all the factual aspects, has arrived at a conclusion that the petitioner has not proved her case by means of clinching evidence that the respondent has caused mental torture and emotional distress to the petitioner and the petitioner, during her chief-examination, has not stated anything against the respondent herein and thereby, dismissed the complaint by issuing a direction to the respondent to return the silver articles, Pooja utensils, cot, bed and Godrej steel bureau to the petitioner, against which, the petitioner has preferred appeal in C.A.No.29 of 2021 before the learned II Additional District and Sessions Judge, Thiruvallur @ Poonamalle, and the appeal was also dismissed by the Appellate Court upholding the judgment of the trial Court, since the petitioner has not established her case by adducing any evidence that the respondent and his family members have committed domestic violence, though she has alleged in the complaint that the respondents have tortured her and caused



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emotional distress. Moreover, in compliance of the order of the trial Court, the respondent has handed over the aforementioned articles to the petitioner. Hence, no interference is required by this Court with the concurrent findings of the trial Court and the Appellate Court.

6. Accordingly, this Criminal Revision Case is dismissed.

15.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The learned II Additional District and Sessions Judge, Poonamallee, Thiruvallur District.

2. The learned Judicial Magistrate No.I, Poonamallee.



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M.DHANDAPANI, J.

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