



Crl.R.C.No.1871 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1871 of 2023

and

Crl.M.P.No.17519 of 2023

S.Revathi

... Petitioner

Vs.

1.P.C.Rajkumar

2.K.Lalitha

3.R.Rajan

4.State represented by

Inspector of Police,

All Women Police Station,

Pondicherry.

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records pertaining to the order dated 14.08.2023 in Crl.M.P.No.2115/2023 in C.C.No.04/2023 on the file of the learned Chief Judicial Magistrate, Pondicherry and set aside the order of discharge of the respondents from the above criminal proceedings.

For Petitioner : Mr.E.V.Chandru

For Respondent-4 : Mr.K.S.Mohandass

Public Prosecutor (Puducherry)



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ORDER

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This Court, on 16.11.2023, had passed the following order:

“The petitioner/de-facto complainant lodged a complaint with the All Women Police Station, Puducherry Town on 16.06.2021. On the complaint of the petitioner, FIR in Crime No.3 of 2021 was registered against four persons, namely, R.Vengatesh Babu/petitioner's estranged husband, P.C.Rajkumar and R.Lalitha/parents of Vengatesh Babu and R.Rajan/brother of Vengatesh Babu.

2.The contention of the learned counsel for petitioner is that the marriage between the petitioner and Vengatesh Bau took place on 30.01.2019, which was an arranged marriage. The entire marriage expenses were borne by the petitioner's parents. Further, the petitioner being the only daughter, lavish presents given to her husband and in-laws including 100 sovereigns of gold jewels, silver articles and other valuables. The respondent police on conclusion of investigation filed charge sheet against all four persons for offence under Sections 498-A, 406, 506(ii) r/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961. He further submitted that in the charge sheet, nine witnesses listed and several documents annexed. The documents LD4 and LD5 are the copies of jewellery receipts-20



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sheets and photographs of jewellery-13 sheets. Further in the statement of petitioner as well as LW2, LW3, LW4, LW5, LW6 and LW7, the presentation of jewellery, handing over the same to the in-laws recorded. On the contrary, except petitioner's estranged husband, other accused, namely A2 to A4 have filed discharge petition before the learned Chief Judicial Magistrate, Puducherry in Crl.M.P.No.2115 of 2023. The Lower Court by an order dated 14.08.2023 discharged A2 to A4 on the ground that there is no materials available in the charge sheet, despite statements and documents confirming the overt act against each of the accused available. Challenging the said order, the present revision filed.

3.The learned counsel for petitioner submits that in this case the Lower Court now forcing the petitioner to depose evidence despite petitioner aggrieved against the order of discharge contemplating challenging the same before this Court. The pressure exerted was so much, the petitioner having no other option evidence in chief recorded. In her evidence, she had deposed about the entrustment of gold jewels and also the harassment and cruelty she had been subjected, not only by A1 also by A2 to A4. The apprehension of the petitioner is that the trial Court might proceed with the case and there are only nine witnesses, if the trial further proceeds, the grievance of the petitioner cannot be addressed and



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she would be denied justice.

4.In view of the same, there shall be an order of interim stay of all further proceedings in C.C.No.04 of 2023 on the file of Chief Judicial Magistrate Court, Pondicherry.

5.Learned Public Prosecutor (Pondy) takes notice for the fourth respondent.

6.Issue notice to the respondents 1 to 3 returnable by 12.12.2023. Private notice is also permitted.

7.Post the case on 12.12.2023.”

2.In continuation and conjunction to the earlier order passed by this Court on 16.11.2023, the learned counsel for the petitioner submits that steps have been taken to resolve the dispute between the husband and wife. Hence, he seeks permission of this Court to withdraw this petition. He made an endorsement in the petition to that effect.

3.In view of the above submission and endorsement made by the learned counsel for petitioner, this Criminal Revision Case is dismissed as not pressed.



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4.It is made clear that the interim stay already granted by this Court

on 16.11.2023 no more in force. The trial Court shall proceed with the trial in

C.C.No.04 of 2023. Consequently, Crl.M.P.No.17519 of 2023 is closed.

21.02.2024

Index : Yes/No

Internet : Yes/No

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To

1.Inspector of Police,
All Women Police Station,
Pondicherry.

2.The Chief Judicial Magistrate,
Pondicherry.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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