



Crl.R.C.No.1993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.1993 of 2023

and

Crl.M.P.Nos.18441 & 18443 of 2023

1.Krishna Kishore Reddy
2.Padma Reddy
3.Baskar Reddy

... Petitioners

Vs.

1.State :
The Inspector of Police,
W-27, Women Police Station,
Vadapalani,
Chennai – 600 026.
(Crime No.24 of 2021)

2.Vooribindi Karishma

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to call for the records culminating in Crl.M.P.No.9030 of 2023 in C.C.No.295 of 2023, dismissing partly by the learned XVII Metropolitan Magistrate, Saidapet in order dated 06.11.2023, allow the same.



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For Petitioner : Mr.A.K.Sriram
Senior Counsel
for M/s.A.S.Kailasam Associates

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side) [R1]
Mr.V.Ramamurthy [R2]

ORDER

The present revision is filed by the petitioner against the order dated 06.11.2023 passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.9030 of 2023.

2. The case of the petitioners is that, the marriage of 1st petitioner and 2nd respondent was solemnised on 22.06.2019 and one female child, namely V.Ahana Reddy was born from and out of the wedlock between the 1st petitioner and the 2nd respondent and there was a matrimonial dispute in between them. Thereafter, the 2nd respondent filed a complaint as against the petitioners before the 1st respondent police and a case in Crime No.24 of 2021 has been registered and subsequently, the final report was filed against the petitioners for the offences u/s 498A, 406, 294(b) r/w 34 of IPC and Section 4 of Dowry Prohibition Act, 1961 on



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19.01.2023 in C.C.No.295 of 2023 on the file of the learned XVII Metropolitan Magistrate at Saidapet, Chennai, in which, the petitioners have filed a discharge petition u/s 239 of Cr.P.C. in Crl.M.P.No.9030 of 2023 in C.C.No.295 of 2023. The trial court, vide impugned order dated 06.11.2023 had partly allowed the said petition by discharging the petitioners from the offences u/s 294(b), 406 IPC and Section 4 of Dowry Prohibition Act, 1961 and proceeded to frame charge u/s 498A of IPC. Challenging the same, the present revision has been filed by the petitioners.

3. Learned Senior Counsel appearing for the petitioners submitted that, after registration of the FIR, memorandum of compromise dated 12.08.2022 was entered between the 1st petitioner and the 2nd respondent and as per the terms and conditions of the said memorandum of compromise, the 2nd respondent agreed to withdraw the complaint filed against the petitioners in Crime No.24 of 2021 on the file of the 1st respondent. In the said memo, the 2nd respondent herself made an endorsement in handwriting only subject to the honouring the terms of this compromise. Further, the memorandum of compromise reveals that



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the 1st petitioner agreed to pay Rs.20,80,000/- to the 2nd respondent and a part payment of Rs.8,00,000/- was paid to the 2nd respondent on 12.08.2022 itself and agreed to pay the remaining agreed amount of Rs.12,80,000/- and return the gold articles and silver articles. Subsequently, a supplementary agreement was entered between the parties on 07.09.2022, which reveals that after the sum of Rs.8 lakhs paid to the 2nd respondent on 12.08.2022, another sum of Rs.12,80,000/- was paid to the 2nd respondent on 23.08.2022 and 24 sovereign gold jewels were returned to the 2nd respondent and a sum of Rs.19,76,000/- was fixed as compensation in terms of value of the remaining 52 sovereign gold jewels and silver articles were also paid to the 2nd respondent on 07.09.2022. Though the 1st petitioner has paid about Rs.40,00,0000/- to the 2nd respondent, however, the 2nd respondent refused to withdraw the complaint filed against the petitioners, thereby the 1st respondent police proceed with the complaint filed by the 2nd respondent and filed the final report on 19.01.2023. Therefore, the petitioners filed discharge petition before the trial court. Though the trial court had arrived at a conclusion that no material is available to implicate the petitioners for the offence u/s 498A of IPC, however, they proceeded to frame charge u/s 498A of IPC



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against the petitioners. In respect of Sections 406, 294(b) r/w 34 of IPC and Section 4 of Dowry Prohibition Act, the trial court discharged the petitioners. Accordingly, he prays for appropriate orders in respect of the charge framed u/s 498A of IPC against the petitioners.

4. Learned counsel appearing for the 2nd respondent submitted that, by considering all the materials available on record, the trial court has passed the impugned order, which is wholly sustainable and the same does not require any interference. However, on instructions, he submitted that this court may grant liberty to the 2nd respondent to workout the remedy in the manner known to law in respect of the maintenance to herself and the minor daughter.

5. Heard learned counsel appearing for the parties and perused the materials available on record.

6. Admittedly, the 1st petitioner is the husband and the 2nd respondent is the wife and out of their wedlock, they were blessed with a daughter namely V.Ahana Reddy. It is seen from the records that, due to



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matrimonial dispute, the 2nd respondent has filed a complaint against the petitioners in Crime No.24 of 2021 and the 1st petitioner was arrested on 12.08.2022, thereby he preferred a bail application in Crl.M.P.No.12992 of 2022 before the learned XVII Metropolitan Magistrate at Saidapet, Chennai. On the same day, i.e., 12.08.2022, the 1st petitioner has paid a sum of Rs.8,00,000/- to the 2nd respondent by entering into memorandum of compromise dated 12.08.2022, in which, it is agreed between the 1st petitioner and the 2nd respondent that the 2nd respondent will withdraw the complaint filed against the petitioners on compliance of the terms of the memorandum of compromise by the 1st petitioner. Based on which, the trial court released the 1st petitioner on interim bail giving one month time to comply with the terms of the said memorandum of compromise. Thereafter, on 12.09.2022, the parties have submitted the supplementary agreement dated 07.09.2022 before the trial court, which revealed that after the sum of Rs.8 lakhs paid to the 2nd respondent on 12.08.2022, another sum of Rs.12,80,000/- was paid to the 2nd respondent on 23.08.2022 and then 24 sovereign gold jewels were returned to the 2nd respondent and a sum of Rs.19,76,000/- fixed as compensation in terms of value of the remaining 52 sovereign gold jewels and silver articles were



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also paid to the 2nd respondent on 07.09.2022 and by considering the supplementary agreement dated 07.09.2022, the trial court has released the 1st petitioner on bail. On 19.01.2023, final report was filed u/s 498A, 406, 294(b) r/w 34 of IPC and Section 4 of Dowry Prohibition Act against the petitioners and the same was taken on file in C.C.No.295 of 2023, in which, the petitioners have a filed a discharge petition in CrI.M.P.No.9030 of 2023 and the same was partly allowed by the trial court vide impugned order by discharging the petitioners from the offence u/s 294(b), 406 IPC and Section 4 of the Dowry Prohibition Act and proceeded to frame charge u/s 498A of IPC against the petitioners.

7. It is seen that both the 1st petitioner and the 2nd respondent have signed the memorandum of compromise dated 12.08.2022 and supplementary agreement dated 07.09.2022 before the trial court, when the bail application was moved by the 1st petitioner before the trial court. From a perusal of the impugned order passed by the trial court, it is seen that the trial court has discharged the petitioners from the offences u/s 294(b), 406 IPC and Section 4 of the Dowry Prohibition Act, since the 2nd respondent has received the amount and other gold and silver articles as



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per the terms of the said memorandum of compromise and supplementary agreement and there is no material to proceed under those sections, which is wholly sustainable and the same does not require any interference.

8. As far as the offence u/s 498A IPC is concerned, no material evidence nor materials to substantiate the allegation that the 2nd respondent was subjected to physical or mental cruelty, was produced by the investigating officer before the trial court. Further, it is alleged by the 2nd respondent that, in the matrimonial house, the petitioners have demanded dowry and harrassed her for more dowry, however in order to prove the same, no one from the neighbourhood in Visakapatnam seems to have been enquired by the investigating officer. Hence, this court is of the view that, though there is no material to presume that the offence u/s 498A IPC was committed by the petitioners, however, the trial court has framed charge u/s 498A IPC as against the petitioners, which is *per se* unsustainable. Therefore, this court is inclined to interfere with the impugned order passed by the trial court in this regard.

9. Accordingly, the impugned order passed by the trial court in



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Crl.M.P.No.9030 of 2023 in C.C.No.295 of 2023 framing charge against the petitioners for the offence u/s 498A of IPC is set aside and consequently, the case in C.C.No.295 of 2023 is quashed. However, liberty is granted to the 2nd respondent to workout the remedy in the manner known to law with regard to maintenance for herself and the minor daughter.

10. In the result, the Criminal Revision Case is allowed.

Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

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M.DHANDAPANI, J.

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To

- 1.The XVII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Inspector of Police,
W-27, Women Police Station,
Vadapalani,
Chennai – 600 026.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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