



Crl.RC.No.1635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

Crl.RC.No.1635 of 2023 and

Crl.M.P.Nos.15414 and 15416 of 2023

1. Pratapray Vasani

2. Varsha Vasani

... Petitioners

Vs.

The State represented

by Sub Inspector of Police

W.7 AWPS

Anna Nagar, Chennai - 600040

... Respondent

**Prayer:** Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. to call for the records and set aside the order dated 31.05.2023 passed in Crl.M.P.No.34858 of 2022 in C.C.No.872 of 2013 pending on the file of Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioners

: M/s.K.Jayavarthini

For Respondent

: Mr.S.Sugendran

Additional Public Prosecutor



Crl.RC.No.1635 of 2023

## ORDER

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This Criminal Revision Case has been filed by the petitioners to set aside the order dated 31.05.2023 passed in Crl.M.P.No.34858 of 2022 in C.C.No.872 of 2013 pending on the file of Chief Metropolitan Magistrate, Egmore, Chennai.

2. The case of the petitioners is that the defacto complainant is the daughter-in-law of the petitioners. Based on the complaint given by the defacto complainant, the respondent police registered a case in Crime No.5 of 2011 on 24.08.2011 against the husband and in-laws of the defacto complainant for the offence under Sections 498(A), 406 and 506(ii) IPC and after investigation, laid charge sheet for the offence under Sections 498(A), 406, 506(ii) IPC and Section 4 and 6 of Dowry Prohibition Act and that same was taken on file in C.C.No.872 of 2013 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai. Pending case, the petitioners who are the father-in-law and mother-in-law of the defacto complainant and who have been arrayed as A2 and A3, filed



Crl.RC.No.1635 of 2023

petition in Crl.M.P.No.34858 of 2022 invoking Section 239 Cr.P.C. to

discharge them from the case in C.C.No.872 of 2013. The learned Magistrate, after giving opportunity to both the parties and hearing the matter, dismissed the petition by order dated 31.05.2023 on the ground that prima facie materials are available against the petitioners to proceed the case further. Challenging the same, the petitioners have filed the present revision.

3. The learned counsel for the petitioners submitted that already the defacto complainant obtained divorce from USA Court on 01.08.2011 and suppressing the same, she lodged the complaint before the respondent police on 24.08.2011 with ulterior motive. He further submitted that there is no prima facie material to show that the petitioners demanded dowry and harassed the defacto complainant. Unfortunately, the learned Magistrate failed to consider the same and on sympathy ground, dismissed the petition which warrants interference.

4. The learned Additional Public Prosecutor appearing for the respondent



CrI.RC.No.1635 of 2023

police submitted that the defacto complainant lodged a complaint with the allegations of demand of dowry and harassment. The statement recorded from the victim reveals prima facie material and there are also incriminating materials and therefore, the learned Magistrate rightly dismissed the petition.

5. Heard both sides and perused the materials available on record.

6. The marriage between the defacto complainant and the son of the petitioners/A1 is admitted. Though the learned counsel for the petitioners submitted that already the USA Court has granted divorce to the defacto complainant and only thereafter, the criminal complaint has been lodged before the respondent police, a perusal of the complaint, charge sheet and the statement recorded from the victim shows prima facie materials to frame charges and to proceed the case further. The defense taken by the petitioners can be agitated only after trial and not at this stage.

7. It is settled proposition of law that while deciding the discharge petition filed under Section 239 Cr.P.C., the Court has to see the materials



Crl.RC.No.1635 of 2023

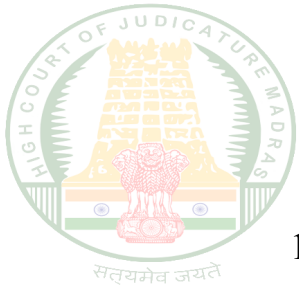
produced by the prosecution/Investigating Agency and not the defense taken by

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the accused. It is also settled proposition of law that at the time of dealing with the discharge petition, the Court need not look into the documents produced by the accused. The Court has to see as to whether prima facie materials available to proceed the case further as against the accused and that the Court cannot conduct a roving enquiry to testify the veracity of the documents.

8. On a perusal of the entire materials, this Court finds that there are prima facie materials as against the petitioners to proceed the case further. Whatever the grounds taken by the petitioners in this revision are nothing but defense which can be decided by the Magistrate only after trial and not at this stage. This Court does not find any reason to interfere with the order passed by the Magistrate.

9. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petitions are closed.



Crl.RC.No.1635 of 2023

10. However, the petitioners are at liberty to take all their defense during

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trial.

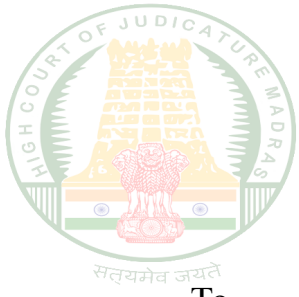
13.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



Crl.RC.No.1635 of 2023

To  
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1. The Chief Metropolitan Magistrate,  
Egmore, Chennai.
2. The Sub Inspector of Police  
W.7 AWPS  
Anna Nagar, Chennai - 600040
3. The Public Prosecutor  
High Court of Madras



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CrI.RC.No.1635 of 2023

**P.VELMURUGAN. J.**

Ksa-2

CrI.RC.No.1635 of 2023

13.03.2025