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CRL.R.C.No.1934 of 2023



DATED: 08.07.2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL.R.C.No.1934 of 2023

and

Crl.M.P.No.18575 of 2023

Kalairaj

Petitioner

Vs

Inspector of Police,
All Women Police Station,
Perambalur Police station.
Crime No.10 of 2014.

Respondent

PRAYER: Criminal Revision Case filed under Section 397 & 401 of the Civil Procedure Code, to call for the records relating to the Judgement dated 23.08.2023 passed in C.A.No.03 of 2023 on the file of the Principal District and Session Judge, Perambalur confirming the Judgement dated 21.12.2022 passed in C.C.No. 3 of 2016 on the files of J.M.No.II, Perambalur (IC) Additional Mahila, Perambalur and set aside the same by allowing the above Revision Petition.

For Petitioner : Mr.S.T.Raja

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

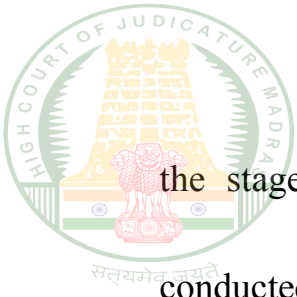


ORDER

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The revision has been preferred as against the judgment passed in C.A.No.3 of 2023 on the file of the learned Principal District and Sessions Judge, Perambalur, dated 23.08.2023 thereby confirmed the order of conviction and sentence imposed by the trial Court in C.C.No.3 of 2016 on the file of the Additional Mahila Court, Perambalur, dated 21.12.2022 for the offence punishable under Section 498 (A) I.P.C.

2.The case of the prosecution was that the petitioner got married to the complainant on 09.02.2012. At the time of their marriage, parents of the complainant had presented 10 sovereigns of gold and two wheeler along with household items worth about Rs.1,40,000/-. After the marriage it was verified by the petitioner's family and found one sovereign of jewel was less. Therefore, they tortured the complainant to get back the remaining one sovereign of gold. They never let the complainant to speak with her parents. Further it was alleged that the petitioner had taken the complainant to Singapore without informing to her family members. She got pregnant at Singapore and she returned to India at



the stage of her eight months pregnancy. The baby shower function was conducted in the house of the petitioner at the expense of the complainant's

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family. During the said function, the petitioner's family members demanded two sovereigns of gold. After giving birth to a female child they also insisted to give one more sovereign. Failing which they threatened that the petitioner will file divorce petition. Hence, the complaint.

3. On receipt of the said complaint, the respondent registered First Information Report in Cr.No.10 of 2014 for the offences punishable under Section 406, 498 A and 506 (i) of I.P.C. as against the five accused. After completion of investigation, the respondent filed final report, which was taken cognizance by the trial Court. In order to bring charges to home, the prosecution had examined P.W.1 to P.W.7 and marked Ex.P1 to Ex.P9. On the side of the accused no one was examined and no documents were marked. On perusal of oral and document evidence the petitioner was alone convicted for the offence punishable under Section 498 A of I.P.C. and sentenced him to undergo two years of simple imprisonment and pay a fine of Rs.1000, in default to undergo



one month of simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed and confirmed the order of conviction and sentence imposed by the trial Court. Hence, the present Revision.

4.The learned counsel for the petitioner would submit that during the period of alleged occurrence that is from 09.02.2012 to 04.12.2012, the petitioner was not even in India. He was in Singapore. Immediately after the marriage the petitioner and the complainant had gone to Singapore and settled down there. During her pregnancy of eight months she had returned to India for her delivery. While she was in India, the complainant's family insisted to celebrate baby shower function at the residence of the petitioner. In fact, the petitioner did not even visit India for baby shower function. After delivering a female child the petitioner was not even invited for ear piercing ceremony. Therefore, the complainant foisted a false case as against the petitioner and his family members. Thereafter, the petitioner filed divorce petition in H.M.O.P.No.78 of 2022 on the ground of cruelty. On this said ground, the



divorce was granted in favour of the petitioner. Further the entire allegations are

bald and vague and there is no specific allegations as against the petitioner. In

fact even according to the complainant the petitioner threatened the complainant

over telephone. Without considering the above, the trial Court and the appellate

Court mechanically convicted the petitioner.

5.Per contra, the learned Government Advocate (Criminal side) submitted that the complainant was examined as P.W.1. She categorically and cogently deposed that the petitioner has committed cruelty on her. Even he was in Singapore through phone he only insisted his family members to demand more dowry from the complainant. Only because complainant's family members failed to give the remaining jewellerys, she was driven out from the matrimonial home and the petitioner did not even visit her. The complainant's parents were examined as P.W.2 and P.W.3 and they also corroborated the evidence of P.W.1. Therefore, the charge under Section 498 A of I.P.C. is clearly proved as against the petitioner and the trial Court rightly convicted the petitioner for the offence punishable under Section 498 A of I.P.C. It was also



confirmed by the appellate Court and as such it does not require any interference by this Court.

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6.Heard the learned counsels on either side and perused the records.

7.Admittedly, immediately after marriage the complainant and the petitioner settled at Singapore. They had stayed together in Singapore and the complainant got pregnant. At the stage of her eight months of pregnancy she returned to India. Thereafter there was baby shower function held in the house of the petitioner. According to the complainant the petitioner committed cruelty through phone by demanding the remaining jewels which were already assured by the family members of the complainant to present. That apart, the complainant failed to mention the date on which the occurrence occurred. According to the complainant, the petitioner and his family members committed cruelty from 09.02.2012 to 04.12.2012 that is even from the date of her marriage. However, she lodged complaint only on 01.05.2014. In fact, after



enquiry, the respondent did not register any First Information Report since no cognizable offence is made out. However, the complainant approached the

jurisdictional Magistrate and sought for direction under Section 166 of Cr.P.C.

As directed by the Court, the respondent registered the First Information Report.

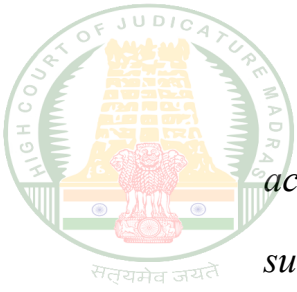
The entire allegations are bald and vague. It is relevant to extract the provision under Section 498 A of I.P.C.:-

***498 A. Husband or relative of husband of a woman
subjecting her to cruelty*** - *whoever, being the husband or the
relative of the husband of a woman, subjects such woman to
cruelty shall be punished with imprisonment for a term which
may extend to three years and shall also be liable to fine.*

In terms of explanation cruelty means:-

*a) any wilful conduct which is of such a nature as is likely
to drive the woman to commit suicide or to cause grave injury or
danger to life, limb or health (whether mental or physical) of the
woman; or*

*b)harassment of the woman where such harassment is with
a view to coercing her or any person related to her to meet any
unlawful demand for any property or valuable security or is on*



*account of failure by her on any person related to her to meet
such demand.*

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8. In the case on hand, admittedly the petitioner at the time of alleged occurrence was in Singapore. Therefore, the question of harassment does not arise at the hands of the petitioner herein. Since, there is no physical harassment by the petitioner herein. It means that the complainant always demanded for a separate nucleus family. For which the petitioner did not agree. Therefore, there was quarrel between the petitioner and his wife. Hence, petty quarrel cannot be treated as cruelty to attract offence under Section 498 A of I.P.C. In order to prove the offence under Section 498 A of I.P.C there must be evidence to prove that wilful conduct of the person drove a woman to commit suicide or to cause grave injury or danger to life, limb or health (mental / physical). Therefore, the prosecution miserably failed to prove the charge under Section 498 A of I.P.C. That apart, the petitioner filed petition for divorce as against the complainant on the ground of cruelty in H.M.O.P.No.78 of 2022 on the file of the family Court, Perambalur. It was allowed in favour of the petitioner and on perusal of the judgment, the complainant did not even whisper about alleged demand or



harassment and cruelty committed by petitioner herein. Therefore, the

conviction and sentence imposed by the trial Court and confirmed by the trial

Court cannot be sustained and it is liable to be set aside.

9.In view of the above, the order made in C.A.No.3 of 2023 passed by the learned Principal District Sessions Judge, Perambalur, dated 23.08.2023 confirming the order of conviction and sentence imposed by the trial Court in C.C.No.3 of 2016 on the file of the Additional Mahila Court, Perambalur, dated 21.12.2022 is set aside. Accordingly, the Criminal Revision case is allowed. Consequently, connected miscellaneous petition is closed.

08-07-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

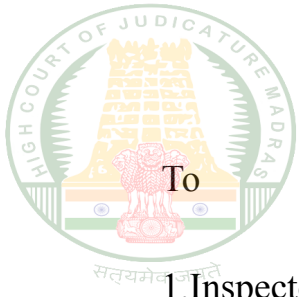
Neutral Citation:Yes/No



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To

1. Inspector of Police,
All Women Police Station,
Perambalur Police station.
Crime No.10 of 2014.
2. Principal District and Session Judge,
Perambalur .
3. J.M.No.II, Perambalaur (IC)
Additional Mahila, Perambalur .
4. The Public Prosecutor
Madras High Court.



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G.K.ILANTHIRAIYAN J.

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