



Crl.R.C .No.2331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.2331 of 2024
and
Crl.M.P.Nos.18037 & 18038 of 2024

Johnson

.... Petitioner

Vs

1. The State represented by
The Inspector of Police,
All Women Police Station,
Chennai.
Crime No.3 of 2022

2. Mythili
(R2-Suo Motu impleaded as per
order dated 19.12.2024 in Crl.R.C.No.
2331 of 2024 and Crl.M.P.Nos.18037 &
18038 of 2024)

.... Respondents

Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and set aside the order dated 24.07.2024 passed in Crl.M.P.No.473 of 2024 by learned IV Metropolitan Magistrate, Saidapet in C.C.No.2021 of 2023 pending on the file of the learned IV Metropolitan Magistrate, Saidapet, Chennai.



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For Petitioner : Mr.M.Kruthika
For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)
For R2 : Mr.K.J.Shiva Arudhra

ORDER

This Criminal Revision Case has been filed challenging the order dated 24.07.2024 passed in Crl.M.P.No.473 of 2024 by the learned IV Metropolitan Magistrate, Saidapet, Chennai, thereby dismissing the petition filed by the petitioner seeking discharge from the charges.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner has been arrayed as A4. On the complaint lodged by the second respondent, alleging that she got married to the first accused on 11.03.2016. At the time of the marriage, the accused demanded forty sovereigns of gold, cash and also expenses towards the marriage. Thereafter, it is alleged that all the accused committed cruelty on the victim and as such, as a result of which she was driven out from the matrimonial home. Hence, the complaint.

4. After completion of the investigation, the first

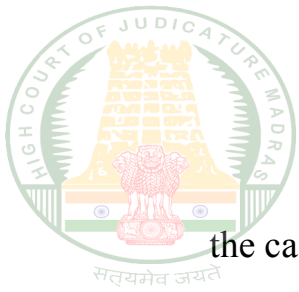


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respondent filed a final report and the same has been taken cognizance by the Trial Court in C.C.No.2021 of 2023. While the matter was pending for framing of charges, the petitioner filed a petition seeking discharge. However, the said petition was dismissed. Aggrieved by the same, the present Criminal Revision Case has been filed.

5. The learned counsel appearing for the petitioner submitted that all the allegations levelled against the petitioner are bald and vague. The petitioner is none other than the brother of defacto complaintant's mother-in-law and he has nothing to do with the allegations made by the prosecution. In fact, even according to the second respondent, it is only stated that the petitioner obtained a loan to the tune of Rs.5 Lakhs and also arranged the same to various persons. Since, the second respondent failed to arrange the said loan, it is alleged that the petitioner, along with the other accused, tortured the second respondent and committed the offence. Except for the said bald allegations, there are no specific averments as against the petitioner.

6. In support of his contention, he relied upon the Judgement of this Court in ***Crl.O.P.No.7450 of 2021 dated 20.07.2022*** in



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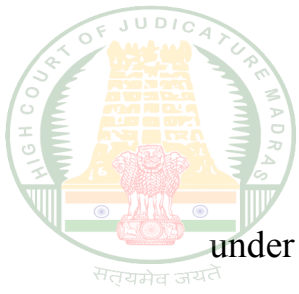
the case of ***Rakesh and others Vs. The State, rep.by the Sub Inspector of***

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Police, All Women Police Station, Namakkal and another, wherein this

Court held that mere allegation of instigating the accused to borrow money would not amount to torture. He also relied upon the Judgment of the Hon'ble Supreme Court of India in ***Crl.A.No.1613 of 2005*** in the case of the ***Appasaheb and Anr Vs. State of Maharashtra***, in which the Hon'ble Supreme Court of India held that a demand for money on account of some financial stringency or for meeting some urgent domestic expenses or for purchasing property cannot be termed as a demand for dowry.

7. A perusal of the recorded reveals that the petitioner insisted that the second respondent borrow a loan and also insisted on arranging for the same. When the second respondent refused to avail any loan in favour of the petitioner, who is the brother of her mother-in-law, he instigated his sister to torture the second respondent. Subsequently, she was also driven out from the matrimonial home. The father of the second respondent has also clearly made a statement attributing specific allegations against the petitioner. Therefore, in order to frame charges, sufficient materials are available against the petitioner for the offences



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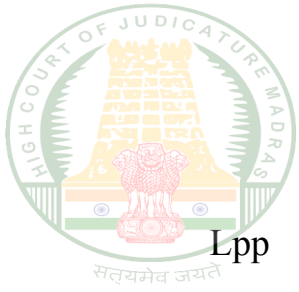
under Sections 498A, 406 r/w 32 of IPC and Section 4 of the Dowry Prohibition Act. Therefore, the Trial Court rightly dismissed the petition seeking discharge.

8. In view of the above, this Court finds no infirmity or illegality in the order dated 24.07.2024 passed in Crl.M.P.No.473 of 2024 by the learned IV Metropolitan Magistrate, Saidapet, Chennai. However, the personal appearance of the petitioner before the Trial Court is dispensed with and he shall be permitted to be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing copies, framing of charges, questioning under Section 351 of BNSS and at the time of passing judgment. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

9. In the result, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petitions are closed.

29.07.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order



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To

1. The IV Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
All Women Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J,

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