



WEB COPY

CRL RC No. 2258 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2258 of 2025

and

Crl.MP.No.20574 of 2025

1. Velmurugan
S/o.Dhandapani

2. Dhandapani
S/o.Dharmalingam, Both are residing at
13/134, DVB Illam, Palappampatti,
Udumalaipettai.

Petitioner(s)

Vs

1. The State Rep by,
The Inspector of Police,
All Women Police Station,
Udumalaipettai, Tiruppur District.

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, prays to set aside the order dated 07.08.2025 made in Crl.M.P.No.3733/2025 in CC.No.27/2024 on the file of the Judicial Magistrate No.1, Udumalaipettai by allowing the present Criminal Revision Petition.

For Petitioner(s): M.Vijay

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)
Ms.D.E.Ani Sree Sangavi
for Defacto complainant

**ORDER**

The petitioners have filed this Revision, to set aside the order dated 07.08.2025 made in CrI.M.P.No.3733/2025 in CC.No.27/2024 on the file of the Judicial Magistrate No.1, Udumalaipettai.

2. Before the Trial Court, the petitioners filed an application under Section 250(i) and 274 of BNSS, CrI.M.P.No.3733 of 2024, seeking discharge from the proceedings in C.C. No. 27 of 2024, stating that they were falsely implicated in the case. The case was registered based on the complaint given by the defacto complainant/wife of 1st petitioner against the petitioners who are husband and father-in-law respectively for offences under Sections 498(A), 294(b), 323, 506(i) of IPC and Section 4 of Dowry Prohibition Act 1961, along with a Dowry harassment case. The case was taken on file, on C.C.No.27 of 2024, cognizance was taken, and charges were framed. After the framing of charges, the petitioners filed a discharge application contending that they had not attacked the defacto complainant as alleged, and that no such occurrence had taken place. They further submitted that the defacto complainant had already received the entire 80 sovereigns of jewellery and had withdrawn her divorce petition. According to them, there is no prima facie material to implicate them, and therefore they sought discharge from the proceedings.



3. On hearing both sides, the learned Trial Judge concluded that the allegations relating to dowry harassment and the alleged occurrence could be decided only after a full fledged trial, and not at the stage of a discharge application. The learned Trial Judge held that prima facie materials were still available against the petitioners and consequently dismissed the application. Aggrieved thereby, the present revision petition has been filed.

4. The learned counsel for the petitioners submitted that the learned Trial Judge failed to consider the fact that 80 sovereigns of jewellery was already in the custody of the defacto complainant, which is also evident from the FIR allegations. Furthermore, according to the petitioners, there is no material produced by the defacto complainant to substantiate the allegation of dowry demand, and therefore the learned Trial Judge ought to have allowed the discharge application instead of dismissing it. Hence, he prays that the impugned order be set aside.

5. The learned counsel appearing for the defacto complainant submitted that the parties have been separated for the last three years. She stated that on multiple occasions they had separated, and throughout such period, she and her daughter were looked after by her parents, not by the petitioners. She further submitted that the 1st petitioner failed to maintain them and had harassed and



assaulted her, which compelled her to lodge the complaint. She also contended that the jewellery and money are in the custody of the first petitioner, who had continuously demanded dowry to expand his business. When this Court suggested settlement, the first petitioner only stated that he could provide some amount at the time of the minor daughter's marriage, but he did not give any assurance at this stage.

6. Admittedly, the 1st petitioner is working as a part-time lecturer in a private college at Coimbatore and is also engaged in some internal business. There is no proof that he has paid maintenance to the minor daughter, who is now studying in college under the care of her mother. These facts clearly show that the parties remain separated due to ongoing disputes, and the issues between them have not been resolved. Therefore, the petitioners are bound to face trial, and no interference is required at this stage.

7. Accordingly, the Criminal Revision petition is dismissed. Consequently, the connected miscellaneous petition is closed.

27-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1.The State Rep by,
The Inspector of Police,
All Women Police Station,
Udumalaipettai, Tiruppur District.

2.The Judicial Magistrate No.1,
Udumalaipettai.



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T.V.THAMILSELVI J.
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