



Crl.R.C.(MD)No.1375 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1375 of 2024

and

Cr.M.P(MD)Nos.13885 & 13887 of 2024

Poochaiya

... Petitioner/Appellant/
Accused

Vs.

Selvalakshmi

... Respondent/Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to set aside the order of the Learned I Additional District and Sessions Judge, Thoothukudi dated 09.11.2024 made in C.A.No.124 of 2023 confirming the order and sentence as passed by the Learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi dated 15.06.2023 made in S.T.C.No.129 of 2023 for undergoing 1 year simple imprisonment along with fine of Rs.20,000/- to the respondent forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondent : Mr.S.Paul Muruges



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ORDER

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Challenging the order passed by the learned I Additional District and Sessions Judge, Thoothukudi confirming the judgment of the Judicial Magistrate No.I, Kovilpatti in S.T.C.No.129 of 2023, dated 15.06.2023 directing the petitioner to return the dowry jewellery of 10 sovereign gold to the respondent, this criminal revision case is filed.

2. Facts of the Case:

(i) The petitioner and the respondent are husband and wife. The respondent/wife instituted proceedings under the Protection of Women from Domestic Violence Act, 2005 (“DV Act”) in D.V.C.No.11 of 2021 before the learned Judicial Magistrate No.I, Kovilpatti, seeking, inter alia, return of her dowry jewellery.

(ii) On 30.08.2022, in Crl.M.P.No.3719 of 2022, the learned Judicial Magistrate, invoking Section 19(8) of the DV Act, 2005, directed the petitioner to return 10 sovereigns of gold jewellery to the respondent within one month. The said order attained finality as no challenge was made.



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(iii) Since the petitioner failed to comply, the respondent initiated proceedings under Section 31(1) of the DV Act, alleging breach of a protection order. The respondent deposed as P.W.1, and the order dated 30.08.2022 was marked as Ex.P1. The petitioner neither entered the witness box nor produced any documentary evidence.

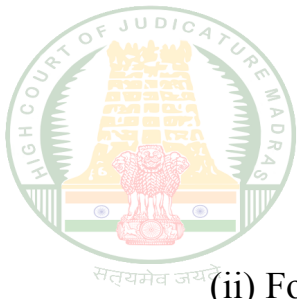
(iv) Upon appreciation of materials, the learned Judicial Magistrate convicted the petitioner and sentenced him to one year simple imprisonment and a fine of Rs.20,000/-, with a default sentence.

(v) The appellate Court in C.A.No.124 of 2023 confirmed the Trial Court's findings and dismissed the appeal on 09.11.2024. Aggrieved, the present revision has been filed.

3. Submissions:

(i) For the Petitioner:

The learned counsel contended that the gold jewellery was never in the custody of the petitioner and is still with the respondent. Hence, the direction to return the same is not capable of compliance. It was further submitted that the petitioner has been wrongly convicted for an act which he could not perform.



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(ii) For the Respondent:

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The learned counsel submitted that during admission of the revision petition, the petitioner had undertaken before this Court to return the jewellery, on the basis of which suspension of sentence was granted. However, the undertaking was not honoured, leading to dismissal of the suspension. It was further urged that the concurrent findings of fact do not call for interference under revisional jurisdiction.

4. Points for Consideration:

The following issues arise for determination:

(i) Whether non-compliance of an order passed under Section 19(8) of the DV Act attracts penal consequences under Section 31(1) of the Act?

(ii) Whether the concurrent findings of conviction by the Courts below suffer from any perversity warranting interference by this Court in exercise of revisional jurisdiction ?

5. Analysis :

(i) Object and Purpose of the DV Act:

The Protection of Women from Domestic Violence Act, 2005, is a



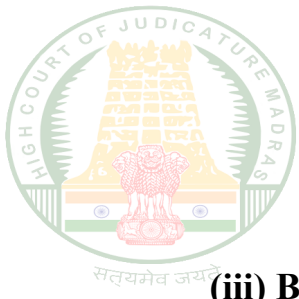
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piece of beneficial social welfare legislation enacted to give immediate, effective, and meaningful protection to women from acts of domestic violence. Its object is not merely punitive but primarily protective, ensuring that women are able to reclaim their property, residence, and dignity within the matrimonial home. It is the settled proposition of law that any welfare Act should be interpreted liberally in favour of the aggrieved woman to advance its remedial purpose. Any order passed under Sections 18 to 22, including those directing return of stridhan, must be respected and enforced, else the very purpose of the legislation would be defeated.

(ii) Stridhan and its Protection:

The Hon'ble Supreme Court in *Pratibha Rani v. Suraj Kumar* (1985) 2 SCC 370, held that stridhan, including jewellery given at the time of marriage, remains the absolute property of the wife and the husband or in-laws hold it only as trustees. Failure to return such property constitutes criminal breach of trust. The direction under Section 19(8) DV Act, 2005, to return 10 sovereigns of jewellery is therefore fully consistent with this legal principle.



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(iii) Binding nature of orders under DV Act:

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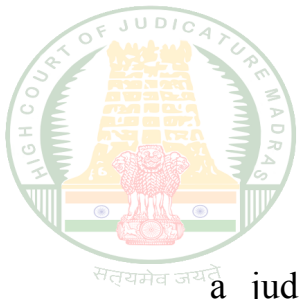
Orders passed under the DV Act are enforceable, and disobedience attracts penal consequences. No doubt, breach of an order under the DV Act constitutes an offence under Section 31. This Court has also followed the same principle in Arul Daniel v. Suganya in Crl.O.P. Sr.No. 31852 of 2022 etc. Batch, dated 04.05.2022, holding that deliberate non-compliance with an order directing return of jewellery justifies conviction under Section 31.

(iv) Concurrent Findings of Fact:

Both the Trial Court and the Appellate Court, on a detailed appreciation of evidence, concluded that the petitioner wilfully disobeyed the Magistrate's order. The respondent's testimony remained un rebutted, and the petitioner offered no proof that the jewellery was not in his possession. That apart, the revisional courts cannot interfere with the concurrent factual findings unless there is manifest illegality or perversity.

(v). Undertaking before this Court:

At the stage of suspension of sentence, the petitioner gave an undertaking to return the jewellery but failed to honour it. Such breach of



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a judicial undertaking undermines the majesty of law and further strengthens the conclusion of wilful disobedience.

(vi). Scope of Revisional Jurisdiction:

(a) The Hon'ble Supreme Court in *Amit Kapoor v. Ramesh Chander* (2012) 9 SCC 460, held that revisional interference is permissible only in exceptional circumstances where glaring illegality is apparent. No such circumstance arises here.

(b) The Domestic Violence, Act, 2005, is a beneficial legislation designed to protect women against economic and emotional exploitation within the domestic sphere. The principle in *Pratibha Rani* (1985) underscores that stridhan is the exclusive property of the wife, while *Inderjit Singh Grewal* (2011) and *Arul Daniel* (2018) confirm that disobedience of DV orders invites penal sanction.

(c) The petitioner's wilful disobedience of the order dated 30.08.2022 under Section 19(8) has been rightly punished under Section 31(1). The concurrent findings of both Courts are based on sound evidence and law. No interference is warranted in exercise of revisional jurisdiction.



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6. The Criminal Revision Petition stands dismissed. The conviction and sentence imposed by the learned Judicial Magistrate No.I, Kovilpatti, as confirmed by the learned I Additional District and Sessions Judge, Thoothukudi, are upheld. Consequently, the connected miscellaneous petitions are closed.

29.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The I Additional District and Sessions Judge,
Thoothukudi.
- 2.The Judicial Magistrate No.I,
Kovilpatti, Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
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