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Crl.R.C.Nos.1784 & 1965 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2026

CORAM:

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

Crl.R.C.Nos.1784 & 1965 of 2023

Crl.R.C.No.1784 of 2023

R.Mani Petitioner

Vs

1.The State Represented by
Inspector of Police
W-9, All Women Police Station,
Villivakkam, Chennai – 49.

2.Geetha
(R-2 Suo Motu impleaded as per order
dated 17.11.2023 in Crl.R.C.No.1784/23) Respondents

Crl.R.C.No.1965 of 2023

M.Selvakumar Petitioner

Vs

The State Represented by
Inspector of Police
W-9, All Women Police Station,
Villivakkam, Chennai – 49. Respondent

Common Prayer : Criminal Revision Cases are filed under Sections 397 & 401 of the Code of Criminal Procedure, to set aside the Judgement in Crl.A.No.356 of 2022 dated 01.09.2023 passed by the learned XXII Additional Sessions Judge, Allikulam, confirming the Judgment of



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conviction passed in C.C.No.5029 of 2014 dated 16.11.2022 passed by the learned XIII Metropolitan Magistrate Court, Egmore.

(in both CRPs)

For Petitioner : Mrs.S.Sridevi
Legal Aid Counsel

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

Both the revisions are directed as against the Judgment dated 01.09.2023 passed in Crl.A.No.356 of 2022 on the file of the XXII Additional Sessions Judge, Allikulam, Chennai, thereby confirming the Judgment of conviction and sentence passed by the XIII Metropolitan Magistrate, Egmore, Chennai, in C.C.No.5029 of 2014, for the offences punishable under Sections 498(A), 406 and 506(ii) of IPC.

2. The case of the prosecution is that the first accused is the husband of the victim and the second accused is the father-in-law. The victim belongs to Schedule Caste community, whereas the accused belongs to a different community. The victim and the first accused fell in love and got married in the year 2003 without the consent of their parents. Out of their wedlock, they gave birth to a male child. During the year 2009, due to unwell of the third accused, who is the mother of the first



accused, all the accused started to harass the victim by demanding dowry.

Though the victim had already been given dowry of Rs.6 lakhs in cash and 15 sovereigns of gold at the time of marriage, the accused demanded more dowry and committed harassment. The accused also physically abused the victim and left her alone in lurch.

3. On the complaint lodged by the victim, the respondent registered an FIR in Crime No.1 of 2014 for the offences punishable under Sections 498(A), 323, 506(ii) of IPC. After completion of the investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court. The Trial Court framed the charges for the offences punishable under Sections 498(A), 406 and 506(ii) of IPC. Pending trial, the third accused, who is the mother of the first accused, died.

4. In order to prove the case, the prosecution had examined P.W.1 to P.W.6 and marked Exs.P1 to P6. On the side of the accused, no witnesses were examined and no documents were marked to disprove the charges.



5. On perusal of the oral and documentary evidence, the Trial

Court found the first accused guilty of the offences punishable under Section 498(A) and 406 of IPC and sentenced him to undergo two year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of one month. He was further convicted for the offence under Section 506(ii) of IPC and sentenced to undergo one year rigorous imprisonment and to pay a fine of 1,000/-, in default, to undergo two weeks simple imprisonment. The second accused was convicted for the offence under Section 498(A) of IPC and sentenced him to undergo two years rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of one month. Aggrieved by the same, both the accused preferred an appeal. The Appellate Court dismissed the appeal and confirmed the order of conviction and sentence imposed by the Trial Court. Hence, the present Criminal Revision Cases have been filed.

6. The learned counsel appearing for the petitioners submitted that the prosecution has completely failed to prove the charges. Even according to the victim, after the alleged occurrence, there was a reunion between the parties and they lived separately for a period of three years. Thereafter, the first accused left the matrimonial home and as such, the



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complaint was lodged with the allegations relating to a period prior to their separation. Therefore, whatever the alleged occurrence took place, thereafter, it was condoned by the complainant and they were lived together jointly. In fact the second accused was not at all there and even then, the Trial Court mechanically convicted both the accused.

7. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondents submitted that there are specific allegations as against the accused and that the prosecution has categorically proved the charges. The defacto complainant was examined as P.W.1 and her evidence is duly corroborated by P.W.2 and P.W.3. Therefore, both the Trial Court and the Appellate Court rightly convicted the petitioners and the same does not warrant any interference by this Court, since both the Courts concurrently convicted the accused.

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

9. Since both the accused have filed separate revisions arising out of a common judgment, this Court is passes a common order in both revisions.



10. A perusal of the records and also the submissions made on either side reveals that the victim deposed as P.W.1. Her minor son deposed as P.W.2 and her mother deposed as P.W.3. P.W.1 deposed that she and the first accused belonged to different communities and against the wishes of the second accused, they got married. At the time of marriage, her parents presented jewels and other Sridhana articles. Initially, they lived together for about three years along with her parents. Thereafter, they set up a separate house and they were living there. While being so, the first accused did not go for any job and he used to harass the P.W.1 for money. Further, he abused her by referring to her caste name. Further, when they visited her matrimonial home, she was not permitted to enter on account of her belonging to a Scheduled Caste Community. At the instigation of his parents, first accused used to beaten her that too after removing the dress.

11. While being so, on 07.12.2009, all the accused persons harassed the victim and driven out her from the matrimonial home. Therefore, P.W.1 lodged a complaint before the Inspector of Police, All Women Police Station, Villivakkam, Chennai. Thereafter, there was conciliation by the elders and they joined and lived together happily. Subsequently, on 20.04.2011, after purchasing clothes for the birthday of



P.W.2, the first accused left the matrimonial home and did not return.

Thereafter, P.W.1 had seen the first accused along with another lady. It was questioned by her and she was informed that the first accused had contracted a relationship with the said lady. Therefore, even from the evidence of P.W.1, due to some quarrel, she went to her parents house. Thereafter, she also lodged a complaint. On the complaint, there was a conciliation between them by elders. After compromise, they joined together and lived happily. Therefore, whatever the allegations made as against the accused pertain to a period prior to the earlier complaint, after which they had re-union and lived together happily.

12. While being so, on 20.04.2011, the first accused left the matrimonial home and thereafter he failed to maintain or take care of P.Ws.1 and 2. It is evident from the materials on record that the misunderstandings and other disputes between the parties were, on earlier occasions, amicably settled and they lived together happily for some period. Even before 07.12.2010, P.W.1 did not even whisper about the specific date and specific allegations. All the allegations are bald and vague and those allegations cannot be relied upon, particularly in view of the admitted re-union between the parties. The minor son was examined as P.W.2 and the mother of the victim was examined as P.W.3. P.Ws.2



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and 3 categorically evidenced that before 07.12.2012, there was quarrel between them. Though P.W.1 lodged a complaint alleging that the accused demanded dowry, no charge has been framed as against the accused under the Dowry Prohibition Act. Therefore, the prosecution failed to prove the charges as against the accused beyond reasonable doubt and the entire conviction and sentence cannot be sustained as against the accused.

13. In view of the above, the Judgment dated 01.09.2023 passed in Crl.A.No.356 of 2022 on the file of the XXII Additional Sessions Judge, Allikulam, Chennai and the Judgment of conviction and sentence passed by the XIII Metropolitan Magistrate, Egmore, Chennai, in C.C.No.5029 of 2014, are hereby set aside. Accordingly, both the Criminal Revisions are allowed.

05.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

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- 1.The XXII Additional Sessions Judge,
Allikulam, Chennai.
- 2.The XIII Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Inspector of Police
W-9, All Women Police Station,
Villivakkam, Chennai – 49.
- 4.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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