



WEB COPY

CRL RC No. 1803 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 1803 of 2023

Rajivgandhi
S/o Ramalingam,
Pampoondi Village,
Tindivanam Taluk,
Villupuram District

...Petitioner(s)

Vs.

The Inspector of Police
AWPS Tindivanam,
Villupuram District
(Crime No.13 of 2017)

...Respondent(s)

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, 1973, to Set aside the Judgment dated 16.10.2023 in Crl.A.83/2023 on the file of the 1st Additional District and Sessions Court Tindivanam, thereby Confirming the conviction of the petitioner by Judgment dated 08.08.2023 in CC.176/2018 on the file of the Court of the Judicial Magistrate No.I Tindivanam.

For Petitioner(s): Mr.M/s T. Saikrishnan

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl. Side)



ORDER

The revision has been filed challenging the judgment of the conviction and sentence dated 08.08.2023 passed by the learned Judicial Magistrate No.I, Tindivanam in C.C.No.176 of 2018 as confirmed in the judgment dated 16.10.2023 passed by the learned 1st Additional District and Sessions Court, Tindivanam in Crl.A.No.83 of 2023.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant that he along with the other accused had committed cruelty on the defacto complainant; that the 2nd accused, the mother of the petitioner had told the defacto complainant that she would get her son, namely, the petitioner married to another person; and that the petitioner had married the 3rd accused and thereafter, all the three accused had humiliated her and attacked her and thus committed the aforesaid offence under Sections 498 A, 352, 494 and 506 (i) IPC.

3. Before the trial Court, the prosecution had examined ten witnesses and marked Ex.P1 to Ex.P6. The petitioner neither marked any document nor examined any witness. The trial court after considering the evidence on record acquitted the accused 2 and 3 of all the offences and acquitted the petitioner of



the offence under Sections 352, 494, 501(i) IPC; and convicted him for the offence under Section 498(A) IPC and sentenced him to undergo one year RI and to pay Rs.5,000/- as fine. The Appellate Court confirmed the said conviction and sentence.

4. The learned counsel for the petitioner would submit that the Courts below having acquitted all the other accused of the offences and the petitioner for all other offences except under Section 498 A IPC ought to have seen; that there is no allegation in the complaint or in the evidence to show that the petitioner had committed cruelty in connection with any dowry demand or cruelty of such a nature which would drive the woman to commit suicide; and that the only reason for holding the petitioner guilty of the offence under Section 498 A IPC is that the petitioner had an illicit relationship with the 3rd accused and subsequently married her.

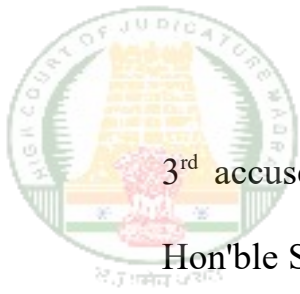
5. The learned counsel relied upon the judgment of **Pinakin Mahipatray Rawal vs. State of Gujarat** reported in **(2013) 10 SCC 448**, in support of the submission that even assuming that the petitioner had an illicit relationship that itself would not amount to cruelty.



6. The learned Government Advocate for the respondent would submit that the impugned judgment does not call for any interference and that the evidence of the victim would show that she was subjected to cruelty by the petitioner.

7. It is seen that the trial Court had acquitted the second and third accused of all the offences. The petitioner was acquitted of all the offences except for the offence under Section 498 A IPC. Though there is a vague allegation that since the petitioner had an illicit relationship with the 3rd accused and when questioned by the victim, the petitioner along with the other accused had attacked the victim, there is no evidence to substantiate the same.

8. It is seen that the trial Court had convicted the petitioner for the offence under Section 498 A IPC on the basis of Ex.P6, which is the birth certificate of the child born to the petitioner and the 3rd accused. The trial Court therefore held that it would prove the illicit relationship between the petitioner and the 3rd accused and the subsequent marriage, which is likely to cause cruelty to the defacto complainant. There is no evidence to suggest that the petitioner had committed any other form of cruelty. Though this document Ex.P6 is disputed by the petitioner, this Court is of the view that, even assuming that the prosecution had established that the petitioner had an extramarital affair with the



3rd accused that would not amount to cruelty under Section 498 A IPC. The Hon'ble Supreme Court in ***Pinakin Mahipatray Rawal's case (cited supra)*** held as follows:

“23. We are of the view that the mere fact that the husband has developed some intimacy with another, during the subsistence of marriage and failed to discharge his marital obligations, as such would not amount to “cruelty”, but it must be of such a nature as is likely to drive the spouse to commit suicide to fall within the explanation to [Section 498A](#) IPC. Harassment, of course, need not be in the form of physical assault and even mental harassment also would come within the purview of [Section 498A](#)IPC. Mental cruelty, of course, varies from person to person, depending upon the intensity and the degree of endurance, some may meet with courage and some others suffer in silence, to some it may be unbearable and a weak person may think of ending one's life. We, on facts, found that the alleged extra marital relationship was not of such a nature as to drive the wife to commit suicide or that A-1 had ever intended or acted in such a manner which under normal circumstances, would drive the wife to commit suicide.”

Therefore, this Court finds that the impugned judgment dated 16.10.2023 in Crl.A.No.83 of 2023 on the file of the 1st Additional District and Sessions Court, Tindivanam, holding the petitioner guilty of the offence under Section 498 A is contrary to the settled position of law and therefore liable to be set aside and hence set aside.



9. During the course of arguments, this Court found that there is a dispute between the petitioner and the defacto complainant with regard to a property which was settled by the petitioner in favour of the defacto complainant, and that a suit is pending in O.S. No.261 of 2017 on the file of the learned Principal District Munsif Judge, Tindivanam.

10. When this Court asked the learned counsel as to the stage of the said case, he submitted that the suit filed by the defacto complainant was decreed in her favour on 19.12.2025 and that the petitioner does not intend to challenge the said decree. The petitioner has filed an affidavit stating that he would not challenge the judgment passed in O.S.No. 261 of 2017. As a result, the defacto complainant would be entitled to the property that was settled to the petitioner in her favour by the settlement deed dated 11.09.2017. The said fact is recorded.

12. In the result, the Criminal Revision Case is allowed. The conviction and sentence imposed upon the petitioner in C.A.No.83 of 2023 dated 16.10.2023, on the file of the I-Additional District and Sessions Court, Tindivanam, are set aside. The petitioner is acquitted of the charges. The fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any,



executed shall stand discharged.

13-02-2026

WEB COPY

Mac

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The 1st Additional District and Sessions Court Tindivanam
2. The Judicial Magistrate No.I Tindivanam.
3. The Inspector of Police,
AWPS Tindivanam,
Villupuram District.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL RC No. 1803 of 2



SUNDER MOHAN J.
Mac

CRL RC No. 1803 of 2023

13-02-2026