

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2025  
(ARISING OUT OF SLP (CRIMINAL) NO. 7899 OF 2024)

NIRMALA CHAUHAN

APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal impugns the order of the High Court of Judicature at Allahabad dated 16.04.2024 in Criminal Revision No. 404 of 2024 whereby the revision filed by the appellant for setting aside the order of the Court of Additional Chief Judicial Magistrate, Court No.05, Ghaziabad, dated 31.10.2023, in Complaint No.2336 of 2022 has been dismissed.

3. The case of the appellant is that the appellant is the mother of the deceased whose dowry articles were to be returned to the parents of the deceased under Section 6(3) of the Dowry Prohibition Act (for short, the "Act"). It has been submitted that an application to that effect was filed before the Magistrate concerned which was dismissed on the ground that the husband's family of the deceased were tried and acquitted in the criminal case. It has been submitted that notwithstanding the acquittal of the accused in the criminal case, the application under Section 6(3) of the Act would have to be adjudicated on its own merits. It has been contended that the High Court has failed to consider whether the application under Section 6(3) of the Act was maintainable or not and if it was maintainable, whether it could

have been summarily dismissed as was done by the Court of Additional Chief Judicial Magistrate.

4. The learned counsel for the respondents have submitted that the accused have been acquitted in the criminal trial and the charge of demand of dowry has not been proved as against them, therefore, the application seeking for return of dowry articles is *prima facie* not maintainable. He has also raised the plea that the application which was filed before the Court of Additional Chief Judicial Magistrate was barred by limitation.

5. We have perused the order of the learned Magistrate as well as the High Court. Neither the learned Magistrate nor the High Court has dismissed the complaint on the ground that it was barred by limitation. In view thereof, we refrain from expressing any opinion whether the complaint/application under Section 6(3) of the Act was barred by limitation. As regards, the other reason for dismissal of the complaint i.e., the accused were acquitted in the criminal trial, we are of the view that acquittal of the accused in criminal trial would not warrant rejection of the application for return of the dowry articles. If dowry articles are given without a demand, regardless whether an offence under the Act is committed, they still may have to be returned in view of the provisions of the Act considering that in absence of any children of the deceased, the mother would be the natural heir of the deceased.

6. As all the above aspects have not been addressed by the High Court in a challenge laid to the order of the learned Magistrate, we deem it appropriate to set aside the order of the High Court and restore the Criminal Revision to its original number for a fresh

adjudication. The appeal is allowed. The impugned order is set aside. The Criminal Revision shall be restored on the file of the High Court for a fresh adjudication in accordance with law. We clarify that any observation made by us in this order shall not prejudice the High Court in forming its own view.

7. Pending application(s), if any, shall stand disposed of.

.....J.  
(MANOJ MISRA)

.....J.  
(RAJESH BINDAL)

NEW DELHI;  
APRIL 09, 2025.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Crl.) No(s). 7899/2024

[Arising out of impugned judgment and order dated 16-04-2024 in CRR No. 404/2024 passed by the High Court of Judicature at Allahabad]

NIRMALA CHAUHAN

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(IA No. 129532/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 129533/2024 - EXEMPTION FROM FILING O.T. and IA No. 129534/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-04-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) :Ms. Pallavi Pratap, AOR  
Mr. Amjid Maqbool, Adv.  
Ms. Prachi Pratap, Adv.  
Dr. Prashant Pratap, Adv.

For Respondent(s) :Ms. Garima Prasad, A.A.G.  
Dr. Vijendra Singh, AOR  
Mr. Deepak Goel, Adv.  
Mr. Abhinav Rathi, Adv.

Mr. Ashish Aggarwal, Adv.  
Mr. Joginder Pal Singh, Adv.  
Ms. Ankita Sarangi, AOR  
Ms. Smriti Walia, Adv.  
Ms. Shivangi Shokeen, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NITIN TALREJA)

(MAMTA RANI)

ASTT. REGISTRAR-cum-PS

COURT MASTER (NSH)

(Signed order is placed on the file)