



Crl.R.C.(MD)No.359 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.359 of 2018

Jayalakshmi

... Petitioner

Vs.

1.The Inspector of Police,
SS Colony Police Station, Madurai

2.Sankarasubramanian

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and pass an order to set aside the order of the learned Judicial Magistrate No.V, Madurai dated 07.04.2018 in Crl.M.P.No.3306 of 2017 in Cr.No.964 of 2016 on his file.

For Petitioner : Mr.R.Ramasamy

For R1 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side)

For R2 : Mr.T.Seensyed Amma
for M/s.T.Lajapathy Roy and Associations

ORDER

This Criminal Revision Case has been filed to set aside the order of the learned Judicial Magistrate No.V, Madurai dated 07.04.2018 in



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CrI.M.P.No.3306 of 2017 in Cr.No.964 of 2016.

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2.The petitioner is the defacto complainant and she lodged complaint alleging that the second respondent is working as an Assistant Divisional Commercial Manager in Railway Divisional Office, Madurai, while she was working as Clerk. He himself introduced as divorcee and ready to marry the petitioner, since she is widow and their marriage was solemnized on 12.06.2015. Thereafter, the second respondent transferred to Kerala and he had taken Rs.10,00,000/- and 20 sovereigns of jewels from the petitioner. Thereafter, the second respondent refused to take the petitioner and avoid to contact her and thereby, cheated her. Originally the said complaint was lodged before the first respondent and the same was not considered. Therefore, the petitioner constrained to file a petition under Section 156 Cr.P.C and based on the direction given by the Court below, the first respondent registered FIR in Cr.No.964 of 2016 for the offence punishable under Sections 420, 406 and 506(i) IPC. After completion of investigation, the first respondent found that there was no prima facie case made by the petitioner in order to frame charges and hence, the first respondent referred FIR as mistake of fact and filed



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final report before the jurisdictional Magistrate. On receipt of referred charge sheet notice, the petitioner filed a protest petition in Crl.M.P.No. 3306 of 2017 and the same was also dismissed. Aggrieved over the same, the petitioner filed the present revision.

3.The learned counsel appearing for the petitioner would submit that the petitioner got married with the second respondent and had given Rs.10,00,000/- and 20 sovereigns of gold jewels and he had taken everything and left the petitioner.

4.On perusal of records revealed that the petitioner failed to prove that she got married with the second respondent and she also did not produce any document to show that she had given Rs.10,00,000/- and 20 sovereigns of gold jewels in favour of the second respondent herein. Therefore, the Court below rightly dismissed the protest petition and this Court finds no infirmity or illegality in the order passed by the Court below and accordingly, this criminal revision is dismissed.

05.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.K.ILANTHIRAIYAN,J.

gns

To

- 1.The Judicial Magistrate No.V, Madurai
- 2.The Inspector of Police,
SS Colony Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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