

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.08.2011

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1119 of 2011

Perumal .. Petitioner

Janaki Vs. .. Respondent

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the judgment dated 31.08.2010 made in C.M.P.No.4561 of 2010 on the file of the Court of the Judicial Magistrate II, Pollachi.

For Petitioner : Mr.S.Vadivel Murugan

O R D E R

This petition arises against the dismissal of a complaint preferred by the petitioner, by the learned Judicial Magistrate II, Pollachi, under order dated 31.08.2010 in C.M.P.No.4561 of 2010.

2. Pursuant to receipt of a complaint registered in Crime No.18 of 2008 for offence under Sections 417 and 506(i) IPC, an investigation was conducted. As the de facto complainant had informed of having become pregnant owing to the wrongful actions of the petitioner, she was subjected to medical examination. A charge sheet was filed by the respondent informing commission of offence under Sections 417 and 506(i) IPC. Therein, it had been stated that the de facto complainant was pregnant. In the course of trial, the Doctor who examined the de facto complainant, deposed as PW-5 and informed that upon his examination, the de facto complainant in the case was not found to be pregnant. His report of examination was marked as Ex.P2. The case ended in acquittal. Thereafter, this petitioner has moved a complaint which came to be dismissed by the Court below under Section 203 IPC. There against, this revision.

3. This Court finds that the entire case of the petitioner/complainant complaining of offence under Section 193 IPC is on the strength of the charge sheet informing that the de facto complainant was pregnant. While deposing in Court the respondent, in chief, had stated that the de facto complainant had been sent for

medical examination and that the charge sheet had been filed for offence under Sections 417 and 506(i) IPC pursuant to completion of investigation. In cross, the respondent had denied that the contents of the charge sheet informing of the de facto complainant being pregnant was a figment of her imagination. This Court is in agreement with the conclusion of the Court below in dismissing the complaint. The complaint provided very little to take action upon, particularly, where this Court finds that the respondent had not in any manner tampered with the medical record so as to mulct the petitioner with criminal liability. The wording in the final report informing of the de facto complainant having been pregnant can in the facts and circumstances of the case, be seen only as a mistake.

4. In the result, the Criminal Revision stands dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gm

To

1.The Judicial Magistrate II,
Pollachi.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Vadivel Murugan, Advocate 51448

SJ(CO)

km/29.8.

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