



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

CrI.R.C.No.64 of 2015

1. Elango

2. Rajalakshmi

.. Petitioners

Vs

1. The State Rep. by Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.

2. Sriram

.. Respondents

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code to call for the records and set aside the order in CrI.M.P.No.4575 of 2013 in C.C.No.46 of 2012 on the file of the Judicial Magistrate No.1, Pollachi.

For Petitioner : Mr.Dr.G.Krishnamurthy

For Respondents : Mr.P.Govindaraj (for R1)
Additional Public Prosecutor.

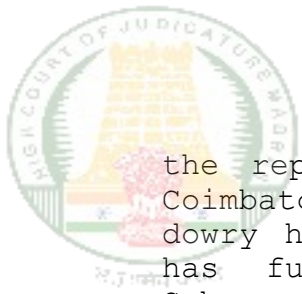
O R D E R

Criminal Revision Case is filed against the order in CrI.M.P.No.4575 of 2013 in C.C.No.46 of 2012 on the file of the Judicial Magistrate No.1, Pollachi.

2. Heard the learned counsel for both parties and perused the materials on record.

3. In the complaint dated 20.07.2011, the defacto complainant has alleged that her parents-in-law have demanded 25 sovereign jewels and money for purchasing a flat for restitution of conjugal rights. When the defacto complainant's parents refused, her in-laws insisted for her signature to solemnize a second marriage to the husband. Defacto complainant has further alleged that jewels obtained have not been returned. They have been mortgaged by her in-laws. There was also torture by them.

4. Inspector of Police, All Women Police Station, Pollachi, has forwarded the complaint to the District Social Welfare Officer. In



the report dated 27.12.2011, the District Social Welfare Officer, Coimbatore, has stated that there was no material to take action for dowry harassment. The District Social Welfare Officer, Coimbatore, has further stated that there is no need to take action. Subsequently, a special report dated 23.01.2013, has been submitted by the Inspector of Police, All Women Police Station, Pollachi to the effect that the parents-in-law / accused 2 and 3 in the complaint, have no connection and that after deleting them, charge sheet has been filed against Sriram/husband. However, during chief examination, the defacto complainant has deposed that both the parents-in-law had ill-treated her. At this juncture, prosecution has filed a petition on 15.04.2013 to lay charge against the in-laws. After considering the averments made in the counter affidavit of the husband and the oral evidence adduced, the learned Judicial Magistrate No.1, Pollachi, has observed that having regard to the testimony of PW1, there is prima facie material for charging the in-laws, as accused, and accordingly, an order has been passed.

5. Though, Dr.G.Krishnamurthy, learned counsel for the petitioner invited the attention of this Court to the Special report of the Inspector of Police, All Women Police Station, Pollachi, as well as to the report of the District Social Welfare Officer, Coimbatore, to the effect that the in-laws have no connection with the alleged crime, the fact remains that the defacto complainant has made specific allegations against her in-laws, in the complaint dated 20.07.2011.

6. A case has been registered for offence under Sections 498-A, 406, 417 and 506 (i) IPC. Special Report dated 23.01.2013 of the police, does not contain any reason as to why in-laws have been excluded. In consonance with the complaint dated 20.07.2011, PW1 has adduced oral evidence that her in-laws have ill treated her. When the defacto complainant has adduced evidence alleging torture and thereby cruelty by her in-laws, as rightly observed by the Court below, only after a full fledged trial, a conclusion can be arrived at, on the charges. Prima facie, there is some evidence to proceed further.

7. In such a view of the matter, this Court is not inclined to interfere with the impugned order. The Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

ars

-s/d-

Deputy Registrar(J)

Dt:10/2/2015

True Copy

Sub-Assistant Registrar



To

1. The Judicial Magistrate No.1,
Pollachi

2. Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc M/s.Dr.G.Krishnamurthy, Advocate SR 5497

ca(co)
prk12/2

Crl.R.C.No.64 of 2015