

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 512 of 2009

Prabhu

.. Petitioner

Versus

1. M.Palanisamy

2. State rep. by the
Inspector of Police
Karumalai Koodal Police Station
Karumalai Koodal,
Mettur Taluk,
Salem District.

.. Respondents

Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to call for setaside the order dated 07.05.2009 passed in Crl.M.P.No.1646 of 2009 on the file of the learned Judicial Magistrate No.II, Mettur Dam, Salem District.

For Petitioner : Mr. Sai Ram
For Respondents : Mr. V.Arul,
Government Advocate (Crl.side)

ORDER

The petitioner who is the accused in Crl.M.P.No.1646 of 2009 on the file of the learned Judicial Magistrate No.II, Mettur Dam, Salem District has come forward with this Criminal Revision Case against the order dated 07.05.2009 in and by which, the petition filed by the defacto complainant's father was allowed and the second respondent herein was directed to produce the petitioner's wife on 07.05.2009.

2. It is the case of the defacto complainant that the petitioner kidnapped his minor daughter, who is a school going child. Hence, he lodged a complaint before the second respondent. Since no action was forthcoming, he filed a petition in HCP. No.475 of 2009 before this Court. On 23.04.2009, when the Habeas Corpus Petition was taken up for hearing, it was represented that the defacto complainant's daughter and the petitioner had love affair and the daughter of the defacto complainant is safe. So, the defacto complainant filed a

petition under Section 97 Cr.P.C. to hand over the custody of his daughter. After analysing the available records, the court below had issued warrant to produce the victim girl on 21.05.2009.

3. The learned counsel for the petitioner vehemently contended that the court below without taking into account the order made in the aforesaid HCP erroneously, issued warrant to produce the petitioner's wife. Now, both the petitioner and the defacto complainant's daughter are married and they are living together.

4. The learned Government Advocate would submits that the marriage between the petitioner and the defacto complainant had taken place on 26.03.2009.

5. In view of the submission made by the learned counsel for the petitioner that the marriage between the petitioner and the victim girl was performed on 26.03.2009 and they are living together happily, this Court is of the view that noting survives further for adjudication in this revision.

6. In the result, the Criminal Revision case is dismissed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(T & P)

dt:05/10/2015

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate No.II, Mettur Dam, Salem District.

2. The Public Prosecutor,
HighCourt, Madras

Cr1 RC No. 512 of 2009

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