

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.765 of 2011

Porselvi

... Petitioner

vs

1.Kalaiivanan
2.Amudhavalli @ Ammu
3.Sundarammal
4.Tamilvanan
5.Arputham
6.Mathivanan
7.Ammu @ Navaneetham
8.Annadurai
9.Kalaiselvi
10.Kuppusamy
11.Tmt.Ramajayam
12.Shanmugam
13.Bhuvaneswari
14.Murugan
15.Venkatesan

... Respondents

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 04.03.2011 passed by the learned Judicial Magistrate No.III, Tirupattur, Vellore District in C.M.P.No.430 of 2011.

For Petitioner : Mr.V.Jeevagiridharan

For Respondent : No appearance

O R D E R

This criminal revision has been filed against the order of dismissing the petition filed by the petitioner by the learned Judicial Magistrate No.III, Tirupattur dated 04.03.2011 made in C.M.P.No.430 of 2011.

2. The case of the petitioner is that, the first respondent

is her husband and the marriage took place between them on 09.02.1981. Out of the wedlock, she gave birth to one male child. Thereafter, some dispute arose between them and she was driven out of her marital home in the year 1995. Subsequently, on 28.01.1996, the first respondent married the second respondent, when the marriage between the petitioner and the first respondent is existing. Hence, she has given a private complaint before the learned Judicial Magistrate No.III, Tirupattur for an offence under Section 494 r/w 109 of IPC in C.C.No.165 of 2003. After elaborate trial, the trial Court, by its Judgment dated 28.06.2005, acquitted all the accused. But, the petitioner did not take any steps to challenge that order. Subsequently, she filed a second private complaint stating that she has obtained some evidence after the judgment that the first respondent married the second respondent. The Court below, after considering the fact that already the respondents have been acquitted after elaborate trial and now the complaint cannot maintain, a second complaint for the very same offence. Challenging the above said order of dismissal, the present revision has been filed.

3. Heard the learned counsel appearing on either side and perused the records available on record.

4. As rightly held by the Court below, already the petitioner filed a private complaint against the respondents in C.C.No.165 of 2003, on the file of the learned Judicial Magistrate No.III, Tirupattur. After elaborate trial, the Court below acquitted all the respondents. In the above circumstances, the petitioner cannot maintain a second complaint for the very same offence, for which the respondents already acquitted. Hence, I find no infirmity or illegality in the order passed by the Court below.

5. In the result, the criminal revision case is dismissed and confirming the order dated 04.03.2011 made in C.M.P.No.430 of 2011 passed by the learned Judicial Magistrate No.III, Tirupattur.

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Sd/-
Assistant Registrar

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Sub Assistant Registrar

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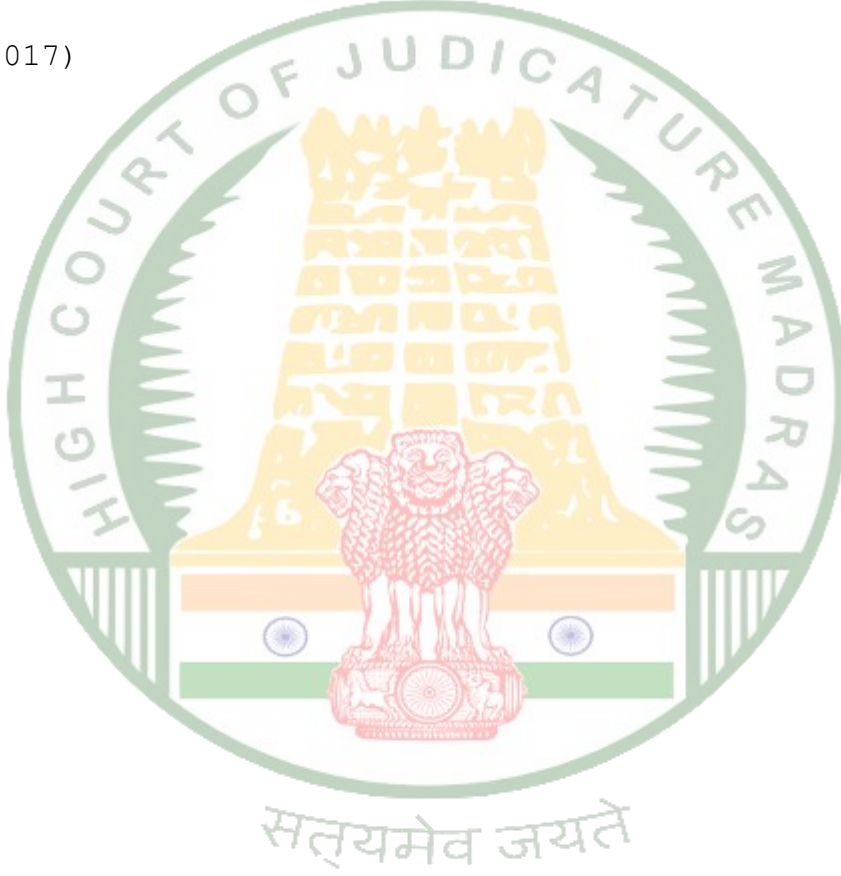
To

The Judicial Magistrate No.III,
Tirupattur

+1cc to Mr.V.Jeevagiridharan, Advocate, S.R.No.73575

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LRS (CO)
RS (13/06/2017)



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