

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1349 OF 2016

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ORDER:

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This Criminal Revision Case is filed by A.4 challenging the order of the Judicial Magistrate of First Class, Parchur, Prakasam District in Crime No.42 in C.C.No.142 of 2015 dated 30.10.2015 whereby the learned Magistrate taken cognizance against the A.4-petitioner herein and others for the offences punishable under Sections 498-A, 323 r/w 34 IpC and Sections 3 and 4 of Dowry Prohibition Act.

The main grievance of the petitioner herein is that after due investigation into the complaint filed by the de facto complainant-third respondent herein, the investigating officer filed a final report informing that the A.4-petitioner herein is not involved in the crime, and that after the final report, a protest petition is filed by the de facto complainant, wherein, after recording the sworn statement of the complainant, the learned Magistrate has taken cognizance of the offence against the accused including the petitioner herein.

It is the contention of the learned counsel for the petitioner that when the investigating officer, after due investigation, deleted the name of the petitioner, the learned Magistrate ought not to have taken cognizance against the petitioner herein. Further the petitioner has got married long back and is living at separate place and that she does not have any relationship with the de facto complainant or her family members.

Per contra, the learned counsel appearing for the de facto complainant-third respondent herein contended that ever since the date of marriage of complainant, the petitioner herein interfered with the affairs of the complainant and caused

hindrance to her family life and that she has subjected the complainant to cruelty. The said fact was stated in the complainant and reiterated the same before the learned Magistrate in her sworn statement.

Heard and perused the material available on record.

As far as taking of cognizance of offence is concerned, this Court is of the view that, if there is any prima facie material elicited against a person that is placed before the Court by way of protest petition, the Court is under obligation to take cognizance of offence against that person. In the present case, since the sworn statement of complainant prima facie discloses a cognizance offence against the petitioner herein, the learned Magistrate followed the procedure in accordance with law and rightly taken cognizance of offence against the petitioner herein. Hence, this Court is not inclined to interfere with the impugned order of trial Court in taking cognizance of offence against the petitioner herein.

The revision fails and the same is accordingly dismissed. Consequently, pending miscellaneous petitions shall stand closed.

JUSTICE RAJA ELANGO

27.06.2016

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