

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.135 of 2011

M.Meenatchi
W/o.Madurai Muthu

... Petitioner

VS

1.The State of Tamil Nadu
represented by its
Sub-Inspector of Police,
All Women Police Station,
Ambattur, Chennai - 53.
Crime No.14 of 2008

2.R.Madurai Muthu
S/o.Rangappa Naicker

... Respondents

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, praying to call for records in Crl.M.P.No.2009 of 2009 on the file of learned Judicial Magistrate I, Poonamallee and set aside the order dated 14.10.2010.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.V.Arul
Additional Public Prosecutor[R1]
Mr.A.Laxmi Raj Rathnam [R2]

ORDER

This revision arises against the order of learned Judicial Magistrate I, Poonamallee, passed in Crl.M.P.No.2009 of 2009 on 14.10.2010.

2. Petitioner preferred a complaint informing that second respondent/her husband married four other women without obtaining divorce. A direction was issued u/s.156(3) Cr.P.C. to first respondent and a case was registered in Crime No.14 of 2008 on the file of first respondent for offences u/s.494, 495, 351 and 506(ii) IPC. Upon completion of investigation, a final report was filed informing the case to be one of 'mistake of fact'. Challenging such report, petitioner moved Crl.M.P.No.2009 of 2009 on the file of learned Judicial Magistrate I, Poonamallee, which came to be dismissed under orders 14.10.2010. Hence, this revision.

3. Heard learned counsel for petitioner, learned Additional Public Prosecutor for first respondent and learned counsel for second respondent.

4. In dismissing the petition, Court below has reasoned that no document has been produced by petitioner to establish that second respondent married one Muniammal and Saraswathi, that in the course of investigation it was revealed that petitioner and second respondent are living separately for 24 years, that divorce has been granted by Subordinate Court, Poonamallee and that no document has been produced to show that steps have been taken to

cancel such decree of divorce. Further, except the voters list, no document has been produced to establish the contention of petitioner. On the above reasoning, Court below has held that petitioner has failed to establish her case through oral and documentary evidence, that she preferred the complaint after very much delay and in such circumstance, the filing of final report informing the case to be one of 'mistake of fact' was acceptable. This Court finds no error in the order under challenge.

The Criminal Revision Case shall stand dismissed.

31.08.2017

Index:yes/no

Internet:yes/no

gm

To

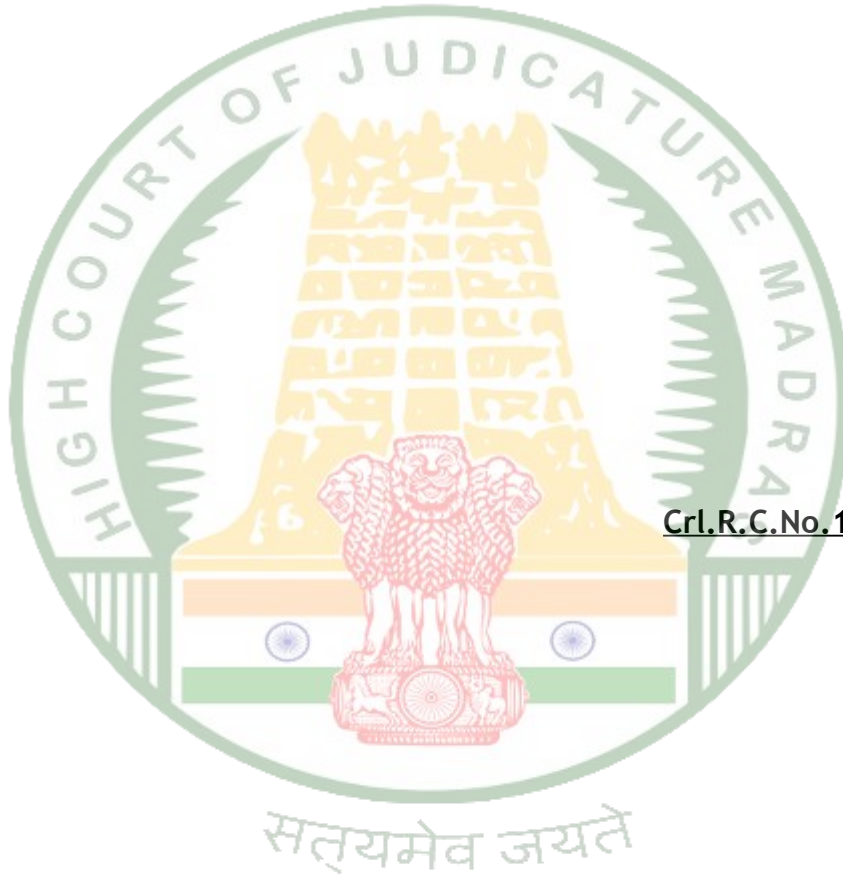
1.The Judicial Magistrate I,
Poonamallee.

2.The Sub-Inspector of Police,
All Women Police Station,
Ambattur, Chennai - 53.

3.The Public Prosecutor,
High Court, Madras.

C.T.SELVAM, J

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