

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.08.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C. No.938 of 2010

E.Premkumar

...Petitioner/Complainant

Versus

1. Reeta

2. M.Vijayakumar

...Respondents/Accused 1 & 2

The Criminal Revision Petition is filed under Section 397 Cr.P.C read with 401 Cr.P.C., to call for the records in Crl.M.P.No.4542 of 2006 in C.C.No.784 of 2005 on the file of the Hon'ble Judicial Magistrate No.III, Coimbatore and to set aside the order dated 04.06.2010 passed in Crl.M.P.No.4542 of 2006.

For Petitioner : Mr.G.Prabhakaran

For Respondents : No Appearance

For R1

Mr.S.Vadivel Murugan

For R2

ORDER

This Criminal Revision has been filed to call for records in Crl.M.P.No.4542 of 2006 in C.C.No.784 of 2005 on the file of learned Judicial Magistrate No.III, Coimbatore and to set aside the order dated 04.06.2010 passed in Crl.M.P.No.4542 of 2006.

C.T. SELVAM, J.,

kmi

2. Heard learned counsel for petitioner and learned counsel for second respondent.

3. Learned counsel for petitioner submitted that when the marriage contracted by the spouse fails, the husband would be entitled to complain of offence under Section 496 I.P.C.

4. This Court finds itself in agreement with the decisions of this Court in **Prasanna Kumar Vs. Dhanalaxmi and others [1989 Cri. L.J.1829(1)]** to the following effect:-

"Where a complaint was filed by a wife against her husband for offence under Section 496, and it was alleged that the husband had married with some other girl secretly and fraudulently, it was held that the complaint by wife against her husband for offence under S.496 was not maintainable as she was not the person deceived and person aggrieved by the alleged marriage."

7. Accordingly, the revision petition stands dismissed.

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02.08.2017

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To
The Judicial Magistrate-III,
Coimbatore.

Cri. R.C.No. 938 of 2010