



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2017

CORAM:

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THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Cr1.R.C.(MD)No.837 of 2017
and Cr1.M.P.(MD)No.10329 of 2017

Swathi

... Petitioner

Vs.

1.Deepan
2.Karuppannan
3.Kanagambal
4.Silambarasan

5.The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.

... Respondents

PRAYER: The Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records of the learned Judicial Magistrate, Thuraiyur in C.M.P.No.4753 of 2017 and set aside the order, dated 10.08.2017.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.K.S.Duraipandiyan, APP. for R5

ORDER

This Criminal Revision case has been filed by the petitioner to set aside the order dated 10.08.2017 in C.M.P.No.4753 of 2017 passed by the learned Judicial Magistrate, Thuraiyur.

2.The learned counsel for the petitioner is present. Mr.K.S.Duraipandiyan, Additional Public Prosecutor takes notice for the 5th respondent. Heard both sides.

3.The petitioner has preferred the present Criminal revision against the order passed in his complaint filed under Section 156(3) of Cr.P.C. and the same was treated as private complaint under Section 200 Cr.P.C.

4.The learned counsel for the petitioner submitted that there is no reason assigned in the impugned order and also it is not a speaking order in respect of complaint given by the petitioner herein.

5.The impugned order does not disclose the fact that the averments made in the complaint have made out a case of any



cognizable or non-cognizable offences.

6. The learned counsel for the petitioner referred a decision reported in **(2013) 6 SCC 384 (Anju Chaudhary Vs. State of Uttar Pradesh and another)**.

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7. On perusal of the impugned order, it is seen that the learned Judicial Magistrate simply observed as, in the affidavit of the petitioner, the allegations with respect to demand and cruelty has been stated and hence, this petition is not fit for referring to investigation. Without perusing the allegations in the complaint as it disclosed any cognizable or non-cognizable offence, the impugned order of the Judicial Magistrate is not sustainable.

8. Considering the facts and circumstances of the case and also considering the fact that the impugned order does not contain any reason disclosing cognizable or non-cognizable offences, on the basis of complaint, this Court is inclined to set aside the impugned order. Hence, this petition is allowed by setting aside the order dated 10.08.2017 in C.M.P.No.4753 of 2017, directing the concerned Judicial Magistrate to consider the averments made in the complaint and pass a speaking order to that effect.

9. With above observations, this petition is allowed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Thuraiyur.
2. The Chief Judicial Magistrate, Trichy.
3. The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.S.DEENADHAYALAN, ADVOCATE IN SR No. 87132

GNS

TE/JC/SAR-1 : 30/11/2017 : 2P/6C