



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.R.C(MD)No.386 of 2018

R.Gurumurthy : Petitioner/ Respondent

Vs.

State rep. By
The Inspector of Police,
West Police Station,
Kumbakonam.
[Crime No.908 of 2011] : Respondent/Complainant

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the impugned order, dated 23.05.2018, made in R.C.S.No.29 of 2018 on the file of the learned Judicial Magistrate No.II, Kumbakonam and set aside the same and consequently allow the revision petition.

For Appellant : Mr.B.Jameel Arasu

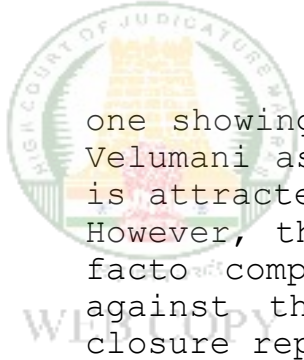
For Respondent : Mr.A.Robinson,
Government Advocate (Crl. Side).

ORDER

This Criminal Revision Case is filed praying to set aside the order dated 23.05.2018 made in R.C.S.No.29 of 2018 on the file of the learned Judicial Magistrate No.II, Kumbakonam.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent police.

3.The grievance of the petitioner, who is the de facto complainant, is that his wife, namely, Devi has eloped with one Velumani and living with him as wife and husband. Hence, he has lodged a complaint at Kumbakonam West Police Station and the same has been registered in Crime No.908 of 2011, under Sections 418, 426, 468, 494 and 497 IPC. Thereafter, the respondent police have filed a closure report saying that the matter relates to offence against marriage and only a private complaint under Section 198 Cr.P.C. is permissible and no other penal provisions are made out in the complaint. The de facto complainant has filed an objection petition saying that his estranged wife is not only leading a bigamous life with Velumani, but also obtained voter identity cards,



one showing the de facto complainant as husband and another showing Velumani as husband. Therefore, it is not Section 494 I.P.C. alone is attracted, but also other offences are made out in the complaint. However, the Trial Court has overruled the objection made by the de facto complainant, observing that no other offence is made out against the accused except 494 I.P.C. and hence, accepted the closure report.

4.This Court, on perusal of the record, finds that the de facto complainant shall pursue his grievance by filing a private complaint as per Section 198 Cr.P.C. instead of agitating the matter by way of an objection petition, which has been heard and decided appropriately by the Trial Court.

5.With the above observations, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (cs-III)

To

- 1.The Judicial Magistrate No.II,
Kumbakonam.
- 2.The Inspector of Police,
West Police Station,
Kumbakonam.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.B.JAMMEL ARASU ADVOCATE IN SR.NO.77892.

SMN

DS SKN RSK SAR-3;07.09.2018; 2P/5C

ORDER MADE IN
Cr1.R.C(MD)No.386 of 2018

09.08.2018