



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.(MD) No.392 of 2018

Muthuraj

... Petitioner/Complainant

Vs.

1.Marichamy

2.Susila

3.M.Veeralakshmi

4.Radha

... Respondents/Accused

PRAYER: The Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District in Cr.M.P.No.2614 of 2016 dated 25.05.2018.

For Petitioner : Mr.S.Ramakrishnan

For Respondents : M/s.Laxmi Gopinathan for
M/S.Polax Legal Solutions**ORDER**

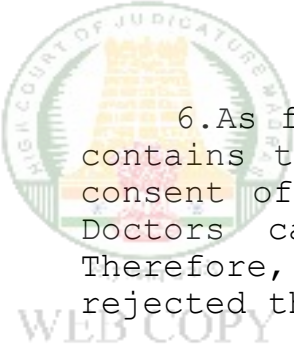
This criminal revision case has been filed to set aside the order of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District in Cr.M.P.No.2614 of 2016 dated 25.05.2018.

2.Heard the learned counsels on either side.

3.Alleging suppression of the mental illness of Veeralakshmi / third respondent, her parents had married her to the complainant, Muthuraj. Hence, for cheating, he has preferred a private complaint under Section 190 Cr.P.C.

4.Counter complaints and other proceedings between the parties are pending before various Courts. They are not very relevant for disposal of the present revision petition.

5.The complainant has examined the Doctor (P.W4), who treated the third respondent for her mental illness, but has not produced any documents in support of his oral evidence. This is the reason stated by the trial Court for dismissing the private complaint.



6.As far as non production of the medical record, those records contains the personal information of the third respondent, without consent of the third respondent or by the direction of the Court, Doctors cannot divulge the details of the medical treatment. Therefore, for the said reason, the trial Court ought not to have rejected the private complaint.

7.The learned counsel for the respondents would submit that the evidence of the Doctor, P.W3 itself is unbelievable. She denies getting treatment with P.W3. This fact has to be proved in the manner known to law. In the said circumstances, the trial Court dismissing the private complaint without calling for the records and satisfying itself, whether the third respondent was treated by P.W4 or not, is improper.

8.Hence, this Court hold, the order of the trial Court has to be set aside. Accordingly, the impugned order dated 25.05.2018 is hereby set aside. The Criminal revision case is allowed and the matter is remitted back to the trial Court. It is open to the petitioner to adduce documentary evidence in support of his allegation and the respondents herein can dispute it in the manner known to law.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate No.II,
Srivilliputhur,
Virudhunagar District.

+1CC to Mr.S.Ramakrishnan, Advocate, SR.No.83038
+1CC to M/S.Polax Legal Solutions, Advocate, SR.No.82968

CrI.R.C.(MD) No.392 of 2018
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MM
ES/PM/SAR 3/05.10.2018/2P/4C