



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.(MD) No.559 of 2018

WEB COPY

Suriya Priya

...Petitioner/Petitioner

Vs.

1.State rep by the
Inspector of Police,
All Women Police Station,
Kanniyakumari District.

2.Vasanthakumar

3.Lakshmi

4.Valarmathi

5.Ganesan

...Respondents / Accused

PRAYER:Criminal Revision Petition - filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No.351 of 2018 dated 06.07.2018 on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Nagercoil, and set aside the same as illegal.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For R1

: Mr.A.Robinson

Government Advocate (Crl.Side)

ORDER

This Criminal Revision Petition is directed against the order passed by the learned Additional Mahila Court (Judicial Magistrate Level), Nagercoil, dismissing the objection petition, filed by the petitioner, aggrieved by the closure report of the police.

2.The revision petitioner herein, the wife of the second respondent has preferred a complaint before the learned Judicial Magistrate No.III, Nagercoil alleging harassment and dowry demand. The said complaint was forwarded to the Inspector of Police, All Women Police Station, Kanyakumari District for Investigation. During investigation, it appears that the revision petitioner has not appeared before the police on numerous occasions. The Inspector of Police, All Women Police Station, Nagercoil has thought fit that the matter shall be referred to the Family Welfare Committee, as directed by the Supreme Court in the case of Rajesh Sharma vs. State of Uttar Pradesh Before the Family Welfare Committee, the parties have appeared and the committee has given a finding that the petition is not genuine. Recording the same, the learned Judicial Magistrate has closed the petition after receiving the objection petition.



3.The grievance of the petitioner is that no fair opportunity was afforded to her during enquiry proceedings and now, she was ready to participate in the investigation and the reason for her non appearance during the enquiry proceedings is attributed to her pregnancy.

4.Though the report of the Family Welfare Committee is not in favour of the revision petitioner, opportunity for her to put forth the material evidence against the respondents has to be given. Therefore, the first respondent herein is directed to summon the revision petitioner, record her statement, enquire the matter in accordance with law and file a report before the Judicial Magistrate No.III, Nagercoil, after completion of the investigation within a period of 90 days from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Additional Mahila Court (Judicial Magistrate Level),
Nagercoil.

2.The Judicial Magistrate No.III, Nagercoil.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Ayyanar Prem Kumar, Advocate, SR.No.88438

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ES/SV/SAR 1/08.11.2018/2P/5C