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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 71/2018**

MUTHUVEL PALANI M Petitioner
Through : Petitioner-in-person

versus

C ANGALA ESWARI & ORS Respondents
Through : Mr. G. M. Farooqui, APP for State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **24.01.2018**

CRL. M.A. 1452/2018

Delay in filing is condoned. Application is disposed of.

CRL.REV.P. 71/2018

By the order impugned in this petition under Section 397 of the Code of Criminal Procedure, 1973 (for short, Cr.P.C.), trial court has dismissed the application under Section 156(3) Cr.P.C. of the petitioner. Learned Metropolitan Magistrate has held that no police investigation was required as complainant can prove his case by leading evidence, which was in his knowledge and possession, in the court as per Section 200 Cr.P.C. Reliance was placed on the judgment dated 09.07.2010 passed by a learned Single Judge of this Court in Crl. M. C. 6122-6123/2005 titled Subhkaran Luharuka v. State and Another. I have perused the application under Section 156(3) Cr.P.C. and heard the petitioner and I do not find any material

illegality or irregularity in the impugned order. Petitioner had prayed for registration of the FIR at police station Kalyan Puri against his wife (respondent No.1) with the allegations that she had been giving threats to kill him through her goons. Petitioner has alleged that he was married to respondent No.1 on 26.06.2015 in Madurai and they stayed at Thallakulam, Tamil Nadu. Respondent no.1 was having relationship with one Ramarguru. Respondent no.1 had conceived during that time when petitioner did not have any sexual contact with her. Respondent No.1 had aborted her pregnancy. While the petitioner and respondent No.1 were living in Thallakulam, Tamil Nadu, Petitioner had even asked for DNA test on 25.12.2015 but police did not assist him. Later on they shifted to Delhi and even in Delhi, respondent No.1 was trying to kill him through various persons known to her, namely, Ramarguru, Prabhu and Eshoran etc. After petitioner filed the complaint, respondent No.1 even deleted her Facebook account and other Whatsapp messages. Certain other allegations have been levelled against the respondent No.1, which indicates that there is marital discord between the petitioner and respondent no.1. During the hearing, petitioner has contended that respondent no.1 has filed a petition for nullity of marriage on the grounds that petitioner was a lunatic.

In my view, in the above facts, learned Magistrate has rightly held that all the material is in possession of the petitioner, in as much as, no police investigation is required to collect any evidence.

For the foregoing reasons, the petition is dismissed with costs of ₹25,000/- to be deposited by the petitioner with the Delhi High

Court Legal Services Committee. It is made clear that complaint of the petitioner before the trial court shall not be preceded with any further till petitioner provides the receipt evidencing deposit of costs imposed by this order.

CRL. M. A. 1453-1456/2018

Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

JANUARY 24, 2018
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