

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.03.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Revision Case No.494 of 2012

Pandurangan

.. Petitioner/Accused (Single)

/versus/

1. Inspector of Police,
All Women Police Station,
Poonamallee.

2. Malliga .. Respondent/Complainant

Criminal Revision Case has been filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records on the file of the learned Judicial Magistrate No.1, Poonamallee, Thiruvallur District made in CrI.M.P.No.4898 of 2011 dated 16.02.2012 concerned in C.C.No.179 of 2010 on the file of the learned Judicial Magistrate No.1, Poonamallee, Thiruvallur District and set aside the same.

For Petitioner :Mr.S.Sasikumar

For Respondents :Mr.T.Shanmuga Rajeswaran
for R1

No appearance for R2

O R D E R

This revision petition is filed challenging the order passed by the trial Court dismissing the petition to discharge the accused.

2. Brief facts of the case is that the petitioner, who is arrayed as accused in C.C.No. 179 of 2010 married the defacto complainant in the year 1978 and they were living together as husband and wife. Since the defacto complainant was treated cruelly and deserted by the petitioner herein, a complaint has been lodged to the All Women Police Station, Poonamallee alleging cruelty and desertion. Accordingly, case was registered by the All

Women Police Station in Crime No. 5 of 2010. On completion of investigation, final report was filed and the same was taken on file by the Judicial Magistrate No.1, Poonamallee in C.C.No.179 of 2010.

3. While so, the petitioner herein has taken out an application to discharge him from the charges in C.C.No.179 of 2010. The reason stated by the petitioner to discharge him from the prosecution is that he and the defacto complainant never married and never lived as husband and wife and there is no material to show that the defacto complainant was subjected to cruelty. The trial Court taking note of the family card, voter identity card, the averments made by the defacto complainant and the statements recorded in the course of investigation, had held that there is prima facie material to show that the defacto complainant and the accused/revision petitioner were married and lived together as husband and wife. In such circumstances, the trial Court held that without full trial the contention of the accused cannot be on the face of it taken into consideration and discharged him. Aggrieved by that, the present revision petition is filed.

4. The grounds raised in this revision petition and the reasons given by the trial Court to dismiss the discharge petition considered. The material collected by the respondent police in the course of the investigation reveals that the marriage between the petitioner and the defacto complainant took place in the year 1978. The family card and voter identity card show that the defacto complainant is the wife of the revision petitioner. The witnesses statement recorded under Section 161 of Cr.P.C. indicates that they lived together till 2004 and thereafter, the defacto complainant was deserted by the revision petitioner.

5. In such circumstances, the order of the trial Court dismissing the discharge petition is in accordance with law and facts and there is no merits in the revision petition. Hence this Criminal Revision Case is liable to be dismissed.

6. Accordingly, this Criminal Revision Case is dismissed. Consequently, Connected M.P.No.1 of 2012 is also dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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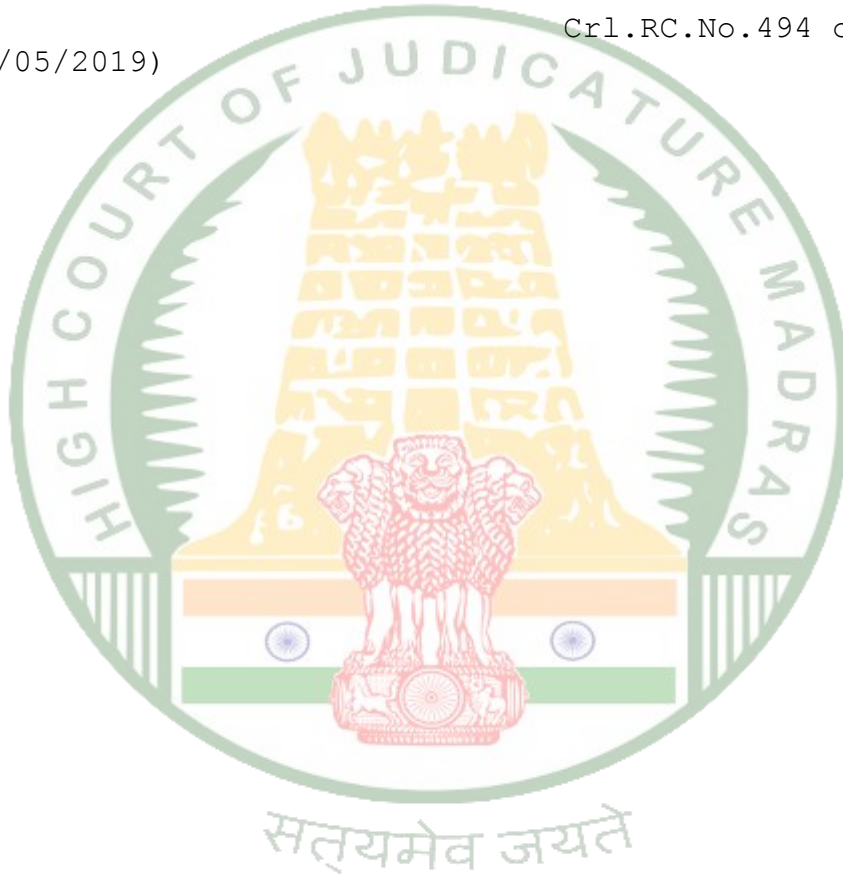
1.The Judicial Magistrate No1, Poonamallee, Thiruvallur District

2. Inspector of Police, All Women Police Station, Poonamallee.

3.The Public Prosecutor, High Court, Madras.

A.SK(03/05/2019)

Cr1.RC.No.494 of 2012



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