

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.03.2019
CORAM
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN
Crl.RC.No.1516 of 2018

Colonel V. Subramani

... Petitioner

Vs

1. M. Sailaja

2. Muthuramalingam

3. Meena

.... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C, to set aside the order passed by the learned VII Metropolitan Magistrate, GT, Chennai in C.M.P.No.2786 of 2018 dated 20.11.2018 and direct the learned Magistrate to take cognizance of offence to permit the petitioner to produced the evidence along with other witnesses and to produce relevant documents.

For Petitioner : Mr.P.G.Santhoshkumar

For Respondent : Notice served - no appearance

O R D E R

This revision case has been filed by the petitioner to set aside the order passed by the learned VII Metropolitan Magistrate, GT, Chennai in C.M.P.No.2786 of 2018 dated 20.11.2018.

2. The revision petitioner has filed a private complaint before the learned VII Metropolitan Magistrate, Chennai against the accused under Section 199 Cr.P.C. which was taken on file in C.M.P.No.2756 of 2018 for offence under Section 500 of IPC. After hearing both sides, the learned Magistrate has dismissed the case. Challenging the order of the learned Metropolitan Magistrate, the petitioner has filed the present revision before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is a topper in B.Sc., and B.Tech and a post graduate Engineer from Indian Institute of Science, a versatile and dynamic Army officer of the rank of selection grade colonel

who has put in 39 years of service in the army in various capacities. He has done four tenures in a specialised Engineer Regiment which is a combat unit and participates in operations, commanded two border roads organisation in Jammu & Kashmit, has been the Director NCC of Tamil Nadu, Pondicherry and Andaman Nicobar and Director at headquarters at Army Welfare Housing Organization at New Delhi. he was also involved in evaluation of defence Engineer Equipment for the Army. For his hard work, dedication and honesty he was awarded the Chief of Army Staff Commendation twice, on 26.01.2010. He has earned himself a impeccable and a untarnished image throughout his entire career in the Army.

4. The learned counsel for the petitioner would further submit that the first accused married to the petitioner's nephew one Hav Avn Tech (Elect) R. Dharma Prabu on 14.11.2013 at Palani. They never co-habited much together, most of the time, the first accused lived with her parents and the petitioner's nephew R.Dharma Prabu in his unit base. Frequently, the complainant's nephew and first accused fought frequently over the phone. The second accused instead of pacifying the first accused, instigated the first accused which was causing too much of strain in the marriage. To quote an incident on 18.05.2014 when the petitioner nephew and first accused to come and live with the petitioner. The first accused was very adamant and picked up a huge quarrel and her relatives beat her husband R. Dharma prabu black and blue and he had to flee from the place to save his life.

5. The learned counsel for the petitioner would further submit that the first accused was instigated by the second accused based on the above incident went on to file a FIR vide No.13/14 in the local police Station at Srivilliputhur and a case under various Sections of IPC and the Domestic Violence Act was initiated in the Judicial Magistrate-I at Srivilliputhur in DVC No.04 of 2014 where all the members of the petitioner's family were parties to the petition including the petitioner. Further the first accused wontedly caused a news item in the Dinamani Daily newspaper on 24.05.2014 and perpetuated a false report about the petitioner's family. The claim and story of the first accused of grabbing gold jewels by the petitioner's family is a vivid figment of imagination of her. The first accused sent a petition to the petitioner's higher official stating that the false allegations. It is further alleged that the petitioner has seized all her jewels, tortured her and sent her to parents house. All the allegations are baseless and they were made only to defame the hard earned reputation of the petitioner.

6. The learned counsel for the petitioner would further submit that the accused has done everything with an object to

defame and lower the prestige and trust worthiness of the petitioner in the estimation of the general public. The petitioner was enquired by his colleagues and also over phone regarding the genuineness of the above mentioned letter given by the accused. The petitioner has replied them that the same are false and motivated. Thereby the accused have committed an offence punishable under Section 500 of IPC.

7. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Despite notice being served to the respondents, none appeared on behalf of the respondent.

8. On a perusal of the records, it could be seen that the main allegations against the accused are that the wife has written a letter to the superior officer of the petitioner. At the same time, a copy of the said letter was not produced before the Magistrate and this Court to examine as to whether it has disclosed any defamatory statements or not. Before the Magistrate, he has not produced any authenticated documents to prove the commission of offence against the accused. Under these circumstances, this Court does not find any merit in the revision case and the same is liable to be dismissed.

9. In the result, the Criminal Revision is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The VII Metropolitan Magistrate,
George Town,
Chennai.

2.The V Metropolitan Magistrate,
Egmore, Chennai.

Cr1.Rc.No.1516 of 2018

cp(co)
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