



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2019

CORAM

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

Crl.R.C.(MD) No.618 of 2016

and

Crl.M.P.(MD) No.8043 of 2016

WEB COPY

1.Moorthy

2.Malar @ Semmalarselvi

... Petitioner/Accused No.6 and 7

Vs.

The State rep. By

The Inspector of Police,

All Women Police Station,

Manapparai,

Tiruchirapalli District.

(Crime No.3 of 2009)

..Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 (1) r/w 401 Cr.P.C., to call for the records and set aside the order dated 21.03.2014 passed in C.M.P.No.699 of 2014 in C.C.No.370 of 2013 on the file of the learned Judicial Magistrate, Manapparai, Tiruchirapalli District.

For Petitioner : Mr.A.Thiruvadikumar

For Respondent : Mrs.S.Bharathi

Government Advocate (Crl.Side)

ORDER

This criminal revision case has been filed to set aside the order dated 21.03.2014 passed in C.M.P.No.699 of 2014 in C.C.No.370 of 2013 on the file of the learned Judicial Magistrate, Manapparai, Tiruchirapalli District.

2.The complaint was registered against the petitioners and other accused under Sections 294(b), 498 (A) and 109 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. After completing the investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate, Manapparai, Tiruchirappalli District and the same was taken on file as C.C.No.370 of 2013. Pending trial, the petitioners herein / fifth and sixth accused have filed a petition before the learned Judicial Magistrate, Manapparai in C.M.P.No.699 of 2014, seeking to discharge them from the charges framed against them, which was dismissed by the court below observing that the prima facie case has been made out against the petitioners. Challenging the same, the present



revision has been filed.

3.The learned counsel for the petitioner would submit that the petitioners are not relative to the accused Nos.1 to 5 and there is no necessity to harass the defacto complainant. He would submit that the petitioners have not demanded dowry and without any basis they have been falsely implicated in this case with mala fide intention to harass the petitioners. He would further submit that the respondent police without conducting proper enquiry has laid the charge sheet hurriedly without any substantial materials.

4.The learned Government Advocate (Crl.Side) would submit that from the evidence of L.W.1, it is made very clear that all the accused persons have harassed the defacto complainant demanding dowry. He would also submit that the petitioners were in close contact with the other relatives of the accused persons, by which the petitioners have harassed the defacto complainant. He would further submit that after carefully perusing the materials on record, the Court below had rightly dismissed the petition filed by the petitioners. Hence prays for dismissal of this petition.

5.Heard both sides and perused the records.

6.A perusal of the records placed before this Court and the evidence of L.W.1, recorded by the prosecution at the time of investigation, clearly reveals that a prima facie case has also been made out against the petitioners. While deciding the petition for discharge the Court has to consider the records produced by the prosecution under Section 173 Cr.P.C., and not the defence taken by the accused. Hence, the order impugned in this petition needs no interference, since there is no perversity or infirmity in the order passed by the learned Judicial Magistrate.

7.Accordingly, this criminal revision case is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The learned Judicial Magistrate, Manapparai,
Tiruchirapalli District.

<https://hcservices.hccourtsonline.org/hcservices>
2.The District Superintendent of Police,
All Women Police Station,
Manapparai, Tiruchirapalli District.



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

WEB COPY

+1cc to Mr.A.THIRUVADIKUMAR, Advocate, SR.No. 44096

Crl.R.C.(MD) No.618 of 2016

TA

KK/SAR/03.06.2019/3P-5C