



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Third day of December Two Thousand and Twenty
PRESENT

The Hon'ble Mrs. Justice R. THARANI

CRL MP(MD) No.7668 of 2020 IN
CRL RC(MD) No.718 of 2020

R.BALAKRISHNAN

... PETITIONER/PETITIONER

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME No.218 of 2019)

2 NEELAVENI

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Stay all further proceedings of the order dated 11/11/2020 passed in Crl.M.P.No.704/2020 on the file of the Additional Mahila Court, (Magisterial Level) at Nagercoil, Kanyakumari, pending Disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD)No.718/2020 :

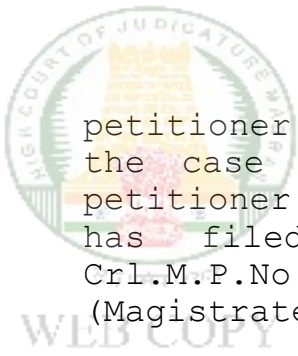
To Call for the records and set aside the order dated 11.11.2020 passed in Crl.M.P.No.704/2020 on the file of Additional Mahila Court, (Magisterial Level) at Nagercoil, Kanyakumari.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the 1st Respondent, while admitting the Criminal Revision Case, the Court made the following order:-

This petition has been filed to grant an interim stay of all further proceedings and operation of order dated 11.11.2020 passed in Crl.M.P.No.704 of 2020 on the file of the Additional Mahila Court (Magistrate Level) at Nagercoil, Kanyakumari District, pending the disposal of the above Criminal Revision Case.

2. Heard the learned counsel for the petitioner. Mr.S.Chandrasekar, learned Additional Public Prosecutor, takes notice for the first respondent.

3. The second respondent lodged a complaint before the All Women Police Station, Nagercoil, on 15.10.2020, against the



petitioner herein and the Lower Court ordered for registration of the case under Section 156(3) Cr.P.C. Against the order, the petitioner preferred the Revision and along with the Revision, he has filed this petition to stay further proceedings, in Crl.M.P.No.704 of 2020 on the file of the Additional Mahila Court (Magistrate Level) at Nagercoil, Kanyakumari District.

4. On the side of the petitioner, it is stated that already a case was lodged by the second respondent before the first respondent and the same was closed and the closure copy was also furnished to the second respondent / defacto complainant and the course... available to the second respondent / defacto complainant is only to file a private complaint. Instead of filing a private complaint, the second respondent / defacto complainant has again filed a petition under Section 156(3) Cr.P.C and the lower Court has wrongly passed an order and prayed the proceedings to be stayed.

5. This matter requires in detail enquiry. In the above circumstances, there shall be an order of interim stay till the disposal of the revision. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-

23/12/2020

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE, ADDITIONAL MAHILA COURT,
(MAGISTRATE LEVEL)
AT NAGERCOIL, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 8562

ORDER IN

CRL MP(MD) No.7668 of 2020 IN

CRL RC(MD) No.718 of 2020

Date :23/12/2020