



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.R.C. (MD) .No.335 of 2015

L.Jayakumar

...Petitioner / Petitioner

Vs.

1.Grace Vinitha

2.Dharmaraj

3.Joyce Sugirtham

... Respondents / Accused

Prayer:- Criminal Revision is filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Judicial Magistrate, Pudukkottai in Cr.M.P.No.95 of 2015, dated 27.04.2015 and to set aside the same and further direct the learned Judicial Magistrate, Pudukkottai to take the private complaint on its file.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mrs.J.Maria Roseline

ORDER

The petitioner is a complainant. His complaint was dismissed by the trial Court. Challenging the same, the present Criminal Revision Petition has been filed.

2.The case of the petitioner is that the marriage of the petitioner's son and the first respondent was solemnized on 02.02.2004 at Chennai Cathedral Church as per the Christian Rights and Customs and in the reception, several dignitaries were participated. It is stated that there is no compatibility in between the couples and therefore, the first respondent/daughter-in-law of the petitioner has filed a maintenance petition in I.D.O.P.No.52 of 2013. In the said petition, she has made defamatory statements against the petitioner as well as the family members of the petitioner, thereby, offending the said words used by the daughter-in-law in the maintenance petition, the present impugned petition is filed under Section 200 of Cr.P.C. for taking action against the



first respondent under Section 500 r/w 109 Cr.P.C. and for compensation under Section 357 Cr.P.C. The said complaint was dismissed at the initial stage. Challenging the said dismissal order, the present revision has been filed.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner is father-in-law and the first respondent is daughter-in-law of the petitioner. There was a matrimonial dispute in between the family. The first respondent/daughter-in-law filed a maintenance case in I.D.O.P.No.52 of 2013. In the said petition, he made several defamatory statements against the petitioner and hence, the petitioner given a complaint as if the said words affects the deputation of the petitioner in the relationship circle. However, the learned Judicial Magistrate without permitting the petitioner to adduce evidence, simply dismissed the complaint which is unsettled one and it is contrary to Section 202 of Cr.P.C. Accordingly, he prayed for allowing this revision.

4. The learned counsel for the respondent would submit that it is purely matrimonial dispute and that already the entire issue was seized by the Family Court in I.D.O.P.No.52 of 2013. Even the petitioner instituted the words used by the first respondent in the maintenance petition. Therefore, it is open to the petitioner to approach the competent authority for testing the remarks made by the first respondent. He would further submit that untenable grounds were raised in the grounds, which is impermissible one. Even the complaint did not disclose the *prima facie* case to proceed further. Hence, the learned Judicial Magistrate has rightly dismissed the complaint for lack of *prima facie* case. Accordingly, he prayed for dismissal of this revision.

5. This Court has also perused the complaint filed by the petitioner. On perusal of the same, it is seen that the petitioner has made several allegations against the first respondent, the daughter-in-law of the petitioner. One of the allegations made at paragraph No.6 of the complaint is that the first respondent married another person, however, in the next paragraph, he has stated that the first respondent is prepared to marry some other person. The petitioner claims to be a practising Advocate of the bar, has made a contra statement in paragraph Nos.6 and 7 of the complaint, which itself shows that there is no merit in the complaint. If there is a defamatory statement made in the maintenance petition filed by the first respondent, it is open to the petitioner to canvass all those grounds before the Family Court, wherein the I.D.O.P.No.52 of 2013 is pending. Instead of filing the appropriate petition before the Family Court, filing the present complaint is unsustainable one. Hence, I do not find any error in the order passed by the trial Court. This Court also finds that there is no *prima facie* case to proceed further and paragraph Nos.6 and 7 of the impugned complaint itself are sufficient to dismiss the complaint in limine.



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6. In the result, this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

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Sub Assistant Registrar (CS)

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To

1. The Chief Judicial Magistrate,
Pudukottai.

2. The Judicial Magistrate, Pudukkottai.

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

4. The Record Keeper,
Criminal (Records)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. J. MARIA ROSELINE, Advocate (SR-10299[F] dated
05/03/2020)

+1 CC to M/s. S. DEENADHAYALAN, Advocate (SR-10428[F] dated
06/03/2020)

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