



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.03.2020

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**THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

Crl.R.C(MD)No.888 of 2019

Mahalakshmi

: Petitioner/Petitioner

Vs.

1.The Inspector of Police,  
All Women Police Station,  
Paramakudi,  
Ramanathapuram District.

2.The Superintendent of Police,  
Office of the Superintendent of Police,  
Ramanathapuram.

: Respondents/Respondents

**Prayer:** Criminal Revision Petition has been filed under Section 397 and 401 of Criminal Procedure Code, against the order passed in Cr.MP No.4963 of 2019 on the file of the Judicial Magistrate, Paramakudi, dated 01.10.2019.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.V.Neelakandan  
Additional Public Prosecutor

**O R D E R**

This criminal revision is directed against the order passed in Cr.MP No.4963 of 2019 on the file of the Judicial Magistrate, Paramakudi, dated 01.10.2019.

2.The marriage between the petitioner and one Murugan was solemnized on 08.06.2014 at Murugan Temple, Paramakudi and at the time of marriage, the parents of the petitioner gifted 13 sovereigns of gold and household articles worth about Rs.2,00,000/- and a cash of Rs.10,000/- as dowry and after marriage, the petitioner was residing at the matrimonial house of her husband and due to wedlock, two children were born and subsequently due to matrimonial tiff, on 25.03.2018, the husband of the petitioner and their in-laws thrown out the petitioner from



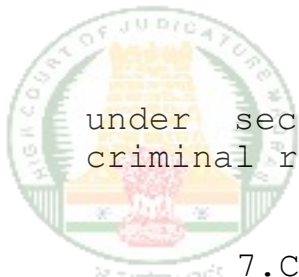
the matrimonial house and demanded Rs.5,00,000/- as dowry or otherwise they are going to arrange 2<sup>nd</sup> marriage to the husband of the petitioner and further threatened to kill the petitioner. In this connection, the petitioner lodged a complaint before the 1<sup>st</sup> respondent police. But the 1<sup>st</sup> respondent police has not taken any action. Hence, the petitioner filed a complaint under section 156(3) Cr.P.C before the Judicial Magistrate, Paramakudi, in Cr.MP.No.4963 of 2019 for direction to the 1<sup>st</sup> respondent to register the case. The Judicial Magistrate, dismissed the petition on 01.10.2019. Aggrieved by the same, the petitioner is before this court.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.On perusal of records and also hearing the arguments advanced by both sides, the petitioner has preferred a complaint under Section 156(3) Cr.P.C. before the learned Judicial Magistrate, Paramakudi, in Cr.MP No.4963 of 2019 to direct the 1<sup>st</sup> respondent to register the case. But the learned Judicial Magistrate, by order, dated 01.10.2019 has simply dismissed the petition stating that this court do not find any prima facie case to register FIR.

5.The learned counsel for the petitioner would contend that the trial court without issuing direction to the 1<sup>st</sup> respondent to register a case, has simply dismissed the petition filed under section 156(3) Cr.P.C stating that no prima facie case is made out to register FIR, which is illegal. The learned counsel relied on a decision reported in **2006(1) SCC (Cri.) 460 (Mohd.Yousuf Vs. Afaq Jahan (Smt.) and another)** in which it is held that registration of FIR involves only the process of entering the substance of the information relating to commission of the cognizable offence in a book kept by the officer in charge of the police station to register an FIR when investigation under Section 156(3) is directed by the Magistrate, even when the magistrate explicitly does not say so and **2016(3) MWN (Cr.) 236 (Sugesan Transport Pvt.Ltd., Vs. The Assistant Commissioner of Police and others)** wherein it has been held that failure to register FIR pursuant to order passed by Magistrate under Section 156(3) Cr.P.C. is liable to be prosecuted under Section 21 r/w 44 of District Police Act.

6.The learned Additional Public Prosecutor submitted that the petitioner has given the complaint to the police only on 02.08.2019 I.e., nearly after 1-1/2 years and hence, the lower court has rightly dismissed the petition filed by the petitioner



under section 156(3) Cr.P.C and prays for dismissal of the criminal revision.

7.Considering the facts and circumstances of the case and in view of the decisions (cited supra), this Court is inclined to set aside the order in Crl.M.P.No.4963 of 2019, dated 01.10.2019 passed by the Judicial Magistrate, Paramakudi.

8.In fine, this criminal revision is allowed. The impugned order, dated 01.10.2019 made in Cr.M.P.No.4963 of 2019 on the file of the Judicial Magistrate, Paramakudi, is set aside and the 1<sup>st</sup> respondent Police is directed to register FIR and investigate the matter and thereafter, submit a report before the Court concerned as expeditiously as possible.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

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To,

1.The Judicial Magistrate,  
Paramakudi.

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

3.The Inspector of Police, AWPS,  
Paramakudi, Ramnad Dist.

4.The Superintendent of Police, Ramanathapuram.

+1 CC to M/s.D.SENTHIL, Advocate ( SR-12162[F] dated  
18/03/2020 )

Crl.R.C (MD)No.888 of 2019  
16.03.2020

CV/ (08.05.2020) 3P 6C

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