

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.134 OF 2021

K.Murugammal

... Petitioner/Complainant

Vs.

1.M.Kalaimani

2.K.Rani

... Respondents/Accused

Prayer :

Criminal Revision Case filed under Section 397 r/w.401 of Cr.P.C., to call for the records filed by the complainant and dismissal order passed in Crl.M.P.No.201 of 2020 by the learned District Munsif cum Judicial Magistrate at Madhavaram dated 04.12.2020 and set aside the same.

For Petitioner : Mr.M.Anandaraj

O R D E R

This Criminal Revision Case has been filed to call for the records filed by the complainant and dismissal order dated 04.12.2020 passed in Crl.M.P.No.201 of 2020 by the learned District Munsif-cum-Judicial Magistrate at Madhavaram and set aside the same.

2. The petitioner has filed a complaint against the respondents before the Inspector of Police, W-33, All Women Police Station, Madhavaram, Puzal, Chennai. Though the accused himself admitted that the first respondent married second time and despite the Inspector of Police closed the complaint. Though the petitioner approached the learned District Munsif-cum-Judicial Magistrate at Madhavaram and Magistrate also without considering the same, dismissed the complaint. It is shocking to note that after filing the complaint, the Inspector of Police got the statement from the accused and the accused himself admitted that he married second time.

3. In fact without getting any divorce legally, the first respondent/accused married second wife and without knowing legal

consequences, the Inspector of Police mechanically closed the complaint. The learned Magistrate also failed to consider it and mechanically dismissed the same. Therefore, for the reasons stated above, the order dated 04.12.2020 passed in CrI.M.P.No.201 of 2020 by the learned District Munsif-cum-Judicial Magistrate, Madhavaram, is set aside. The action of the Inspector of Police who closed the complaint is highly condemned and also the Inspector of Police, W-33, All Women Police Station, Madhavaram, Chennai is directed to register the case on the complaint given by the petitioner against the accused. However, the complaint is filed in the year 2019. Hence, the Inspector of Police is further directed to investigate the matter and file a charge sheet before the jurisdictional Magistrate within a period of two months from the date of receipt of a copy of this order.

4. Accordingly, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif cum Judicial Magistrate,
Madhavaram.
2. The Inspector of Police,
W-33, All Women Police Station,
Madhavaram, Puzal,
Chennai - 600 066.
3. The Public Prosecutor,
High Court, Madras.

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VBM(CO)
CS/27/04/2021