



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.07.2021

PRONOUNCED ON : 20.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.247 of 2016

R.Saravanakumar ... Petitioner/Complainant

Vs.

D.Vidhya ... Respondent/Accused

Prayer: This Criminal Revision Case has been filed under Section 397 read with Section 401 of Cr.P.C. to set aside the order passed in unnumbered C.M.P.No. of 2015, dated 24.11.2015, on the file of the learned Judicial Magistrate, Harur, for the offence under Section 200 of Criminal Procedure Code 1973 by allowing the present Revision.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.N.Vijaya Baskar

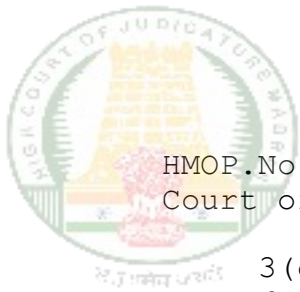
ORDER

This Criminal Revision Case has been filed against the order of dismissal passed in unnumbered petition in C.M.P.No. of 2015, on the file of the learned Judicial Magistrate, Harur, dated 24.11.2015, for the offence under Section 200 of Cr.P.C.

2.The revision petitioner/complainant is the husband and the respondent/ accused is the wife.

3(a).The revision petitioner herein/husband has filed the above unnumbered petition in CMP.No. of 2015 under Section 200 Cr.P.C., alleging that his marriage with the respondent herein/accused viz., D.Vidhya was conducted on 06.02.2012 at the expenses of their family and that he had completed his B.E. course and he is working in a Multi Natioal Private Software Company. Further, when the family of the complainant were looking for an alliance befitting their status, the respondent herein/accused viz.,Vidhya and her family had tried to extract money and properties from the complainant by way of marriage.

3(b).To declare the marriage with the respondent herein/accused, the complainant had filed a petition in



HMOP.No.119 of 2012, which was later transferred to the Family Court of Dharmapuri.

3(c).Further, the respondent herein/accused had falsely stated that she had completed B.E.Course before marriage and in the marriage invitation printed by family of the accused and in the other document given to the complainant, she had stated that she is an Engineering Graduate and the father of accused had also stated that he had obtained VRS before two or three days of marriage. But, he had voluntarily retired on 30.06.2011.

3(d).Thereafter, on 01.12.2014, the respondent herein/accused had filed a petition in HMOP.No.90 of 2014, in which, she had corrected the education qualification in the marriage invitation as if she has completed B.E Course.

3(e).Subsequently, the petition in HMOP.No.119 of 2015, by the husband was transferred to Family Court, Dharmapuri. Wherein, the stand of the husband is that the first document produced by the respondent/wife in HMOP.No.90 of 2014 is fabricated. Hence, he has filed an unnumbered petition in CMP.No. Nil of 2015, before the learned Judicial Magistrate, Harur, to take action against the wife under Sections 417, 420, 465, 466 & 468 and 471 of IPC.

3(f).The learned Magistrate after perusing 195 of Cr.P.C., has observed that "it is for the Court of competent Jurisdiction to decide with respect to documents produced before it which is alleged to be forged. No final order had been passed by the Court of competent Jurisdiction as to the genuinity of the document." and dismissed the petition. Hence, the present Criminal Revision Case has been preferred by the complainant/husband before this Court.

4.Heard both the counsels and perused the materials placed on record.

5.The learned counsel for the revision petitioner herein/complainant would submit that only when the document has been manipulated when it is under the custody of the Court then Section 195 of Cr.P.C is applicable. In the case on hand, the respondent had produced a forged document in the Court hence the complaint is very well maintainable.

6.The finding given by the learned Magistrate and the submissions made by the learned counsel for the revision petitioner herein/husband are considered.

7.This Court finds that whether the document No.1 filed in HMOP.No.90 of 2014 (wife petition) is genuine or forged or fabricated is to be determined by the concerned Court. The plea by the revision petitioner herein/complainant is that the fabrication is not committed inside the Court but it was



committed out side Court can also be considered by the proper adjudication of the matter.

8. Admittedly, HMOP is pending before the Competent Court. In the event of the Competent Court coming to the conclusion that document No.1 filed by the wife in HMOP.No.90 of 2014 is not true and genuine, this court is of the view that it is always open either of the parties to move appropriate application and hence, it is premature to file this application.

9. In this view of the matter, this Criminal Revision Cases stands dismissed and the order passed in C.M.P.No. Nil of 2015, dated 24.11.2015, on the file of the learned Judicial Magistrate, Harur, for the offence under Section 200 of Criminal Procedure Code 1973, is hereby confirmed, for the different reasons as stated supra.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

dua

To:

The Judicial Magistrate,
Harur.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.53985

Cr1.R.C.No.247 of 2016

AK-II(CO)
SB(23/11/2021)