



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.08.2021

CORAM

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

Crl.RC(MD)No.310 of 2021

and

Crl.MP(MD)No.3061 of 2021

Gunaraja

: Petitioner/Petitioner/
Accused

Vs.

The State rep. by
The Inspector of Police,
Bazar Police Station,
Ramanathapuram.
(Crime No.103/17)

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under sections 397 r/w 401 of the Code of the Criminal Procedure against the order, dated 18.03.2021 made in Crl.MP No.517 of 2020 on the file of the Fast Tract Mahila Court, Ramanathapuram.

For Petitioner : Mr.S.Ramakrishnan

For Respondent : Mr.RMS.Sethuraman
Counsel for State (Crl. Side)

O R D E R

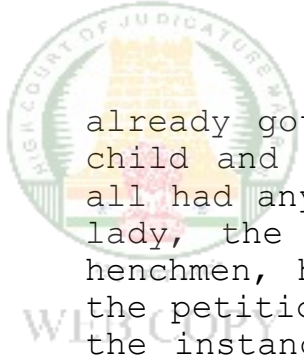
This Criminal Revision is filed challenging the order, dated 18.03.2021 made in Crl.MP No.517 of 2020 on the file of the Fast Tract Mahila Court, Ramanathapuram, whereby dismissed the discharge petition filed by the petitioner.

2.It reveals from the records that a case in Crime No.103 of 2017 was registered by the respondent police under sections 498(A), 307 and 379(NH) of IPC as against the petitioner. After enquiry, the respondent police laid the charge sheet and it was taken on file as SC No.18 of 2020 by the Fast Track Mahila Court, Ramanathapuram. In the interregnum, the petitioner filed a petition in Crl.MP No.517 of 2020 on the file of the Fast Track Mahila Court, Ramanathapuram to discharge him from the case. On 18.03.2021, the learned trial court dismissed the said petition. Aggrieved over the same, the petitioner is before this court.

3.Heard both sides and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The main contention raised on the side of the petitioner/accused is that the de-facto complainant (Nithiya Priya)



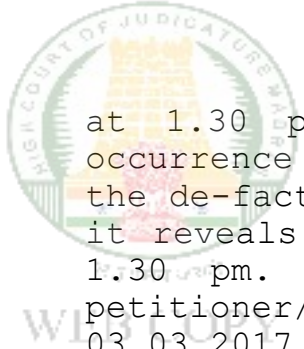
already got married and her husband died and she is also having a child and at this juncture, even though the petitioner was not at all had any affair and discussions about his marriage with the said lady, the brother of Nithiya Priya namely Dinesh along with his henchmen, has got the Thali put on her neck by threat of murdering the petitioner and hence, the question of any marriage morefully at the instance of elders or any marriage by virtue of any love does not arise, but however, without appreciating the above facts, the respondent police filed the charge sheet erroneously without verifying the facts and it is alleged that there was an occurrence took place on 03.03.2017 at about 15.30 pm (3.30 pm) as if the petitioner had visited her house and took money by coercion and also issued threat, however, it is shocking to note that as per the Accident Register maintained in the hospital, the occurrence took place when she was admitted in the hospital at 3.15 pm and thus the very fact that even before alleged occurrence took place, she alleges she got admitted in the hospital and hence, the prosecution story is concocted story and hence, the petitioner is liable to be discharged from this case and further, the complaint given by the mother of the de-facto complainant was suppressed and the suppression of earlier complaint is fatal to the prosecution and prays that the petitioner is to be discharged by allowing this Criminal Revision.

5.Per contra, the learned Standing Counsel appearing for the respondent/State argued that the trial court after proper appreciation of the entire materials available on record, has correctly passed the impugned order and prays for dismissal of this criminal revision.

6.In this case, the de-facto complainant stated that after the death of her husband, she married the petitioner/accused. But it was denied by the petitioner/accused stating that on threat by the brother of the de-facto complainant, Tali was tied on the neck of the de-facto complainant. It is to be noted that in respect of the above occurrence, the petitioner/accused has not given any complaint to the police. When the question of the marriage between the de-facto complainant and the accused is null and void, that cannot be decided by the criminal court. The remedy open to the petitioner is to get relief from the competent civil forum. In this case, it is to be decided whether any prima facie case is made out or not.

7.Further, the learned counsel appearing for the petitioner/Accused submitted that as per the version of the complainant, the alleged occurrence took place on 03.03.2017 at 3.30 pm, but in the AR copy, it was shown that the complainant was admitted on 03.03.2017 at 3.15 pm and hence, the prosecution story is a concocted one and there was no occurrence as alleged by the de-facto complainant.

8.This Court has carefully perused the FIR and AR copy. In this case, it is stated that the occurrence took place on 03.03.2017



at 1.30 pm. Further, in the AR copy, it is stated that the occurrence took place on 03.03.2017 at about 1.30 pm in the house of the de-facto complainant. Hence, from the complaint and the AR copy, it reveals that the alleged occurrence took place on 03.03.2017 at 1.30 pm. Hence, the argument put forth on the side of the petitioner/accused stating that the occurrence took place on 03.03.2017 at 3.30 pm, is not at all acceptable.

9.It is pertinent to note that at this stage, it is to be decided whether any prima facie case is made out or not. The truth of the case will be come out by way of examining the witnesses and production of documents. On careful perusal of the records, it reveals that prima facie case is made out as against the petitioner. Hence, the trial court came to the conclusion that prima facie case is made out and rightly dismissed the discharge petition filed by the petitioner/accused. It is, therefore, held that it is not necessary to interfere into the findings of the trial court.

10.In the result, this criminal revision is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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To,

1.The Fast Track Mahila Court, Ramanathapuram.

2.The Inspector of Police,
Bazar Police Station, Ramanathapuram.

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

Copy to:-

The Section Officer,Criminal Section (Records)
Madurai Bench of Madras High Court, Madurai.

Cr1.RC(MD)No.310 of 2021
17.08.2021

_RD(13.09.2021) 3P 6C