



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.576 of 2022

Krishnakumari

...Petitioner

Versus

1.The Commissioner of Police,
Avadi Range,
Chennai - 600 054.

2.The Inspector of Police,
W-29, Avadi All Woman Police Station,
Avadi, Chennai - 600 054.

...Respondents

Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed by the learned Judicial Magistrate No.I, Poonamallee in Crl.M.P.No.444 of 2022 vide order, dated 28.03.2022 by dismissing the complaint filed under Section 156(3) of Cr.P.C.

For Petitioner : Mr.K.Suthan

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Revision is filed against the order of the learned Judicial Magistrate No.I, Poonamallee, dated 28.03.2022, thereby, refusing to refer the complaint for investigation under Section 156(3) of the Code of Criminal Procedure.

2. The learned Magistrate has given a finding that inspite of the best efforts from Police during the enquiry, the petitioner refused to live with her husband, even though the husband is willing to live with the petitioner. This apart, the learned Magistrate has also found that there is no prima facie case upon reading of the complaint. A perusal of the complaint clearly shows that the allegations, amounting to the offence of cruelty, specifically including that of physical violence and torture. Therefore, the finding of the learned Magistrate that



the complaint does not disclose any offence, on the face of it, is unsustainable.

3. This apart, the decision to live together or refusing to live together may not be a decisive criteria in refusing to register the complaint for investigation. Therefore, the order of the learned Judicial Magistrate No.I, Poonamallee, dated 28.03.2022 in Crl.M.P.No.444 of 2022 is set aside. The complaint of the petitioner, dated 25.12.2021 is forwarded to the second respondent to register a case and investigate the matter in accordance with law.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

grs

To

- 1.The Judicial Magistrate No.I,
Poonamallee.
- 2.(do through) The Chief Judicial Magistrate,
Thiruvallur.
- 3.The Commissioner of Police,
Avadi Range, Chennai - 600 054.
- 4.The Inspector of Police,
W-29, Avadi All Woman Police Station,
Avadi, Chennai - 600 054.
- 5.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.576 of 2022

MT(CO)
RVM(27/06/2022)