

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.18541 of 2019
and
Crl.M.P.No.9398 of 2019

Rani

... Petitioner

Vs.

1.Varadharajan
2.Parimala
3.Ramaiyyan
4.Sangumathi
5.Chandrasahsan
6.Chinnaponnu @ Ranjitham
7.Muniyappan
8.Kaliyarasi
9.Ragupathy

... Respondents

Prayer: Criminal Original Petition is filed under section 482 of CR.P.C., to set aside the order dated 04.04.2019 made in Crl.M.P.No.742 of 2018 on the file of the Principal District and Sessions Judge, Ariyalur Sessions Division, Ariyalur.

For Petitioner : No Appearance

For Respondents : Mr.G.Deepika,
for R1, R3, R4, R5 & R9
for Mr.S.Gridharan
No Appearance for R2
R6 to R8 - Notice not served

O R D E R

No representation for the petitioner. Heard,
Mr.S.Gridharan, learned counsel for respondents 1, 3, 4, 5 & 9.

2. This petition is filed by the complainant whose private complaint taken up for trial by the Judicial Magistrate in C.C.No.470/2004 came to be dismissed on 29.05.2017 at the instance of the accused persons who have pleaded that for the very same set of facts, police has registered a complaint and it is the subject matter of C.C.No.496/2004 which was disposed of on 20.04.2017 holding the accused persons 1, 3 and 4 not guilty for the offence under Sections 494 and 109 of IPC. Therefore, the private complaint adding few more person as accused for offences under 498(A), 494, 34, 109 IPC r/w Section 4 of Dowry Prohibition Act, for the very same set of fact, taken on file in C.C.No.470 of 2004 was dismissed, in view of the bar under Section 300 Cr.P.C.

3. Being aggrieved by the dismissal of the private complaint, the petitioner herein has filed revision petition before the District Court with a petition to condone the delay of 184 days in preferring the criminal revision. The District Court on considering the facts declined to condone delay of 184 days in preferring the revision, on the ground that no plausible reason given by the petitioner to condone 184 days delay in preferring the revision. Furthermore, on the facts, since the criminal case proceeded based on the final report filed by the police being ended in acquittal there is no reason to keep the private complaint on file. For the same set of facts, which squarely barred under Section 300 Cr.P.C.

4. In this O.P., challenging the order passed by the District Court, dismissing the condone delay petition, it is contended that the disposal of C.C.No.496 of 2004 on 10.06.2013 have no bearing in C.C.No.470 of 2004. However, the Court below has carried away by the fact that the criminal case initiated on police complaint being disposed, the same will act as bar, for the private complaint, ignoring the fact that the provisions of Act are different and the accused are not one and the same, when few accused who did not face trial in C.C.No.496 of 2004 are accused in C.C.No.470 of 2004 and they are accused of different offences, the Principal District and Sessions Judge, Ariyalur, ought not to have dismissed the private complaint.

5. This Court on perusing the record find that the petitioner herein being aggrieved by the dismissal of her petition to condone delay of 184 days in preferring revision has come before this Court stating that she has assigned sufficient reason for condoning the delay of 184 days in preferring the criminal revision. However, the affidavit filed in support of her condone delay petition, does not speak about any acceptable reason for the delay. It only state that the communication sent by her counsel did not reach her and she came to know about the

dismissal of her private complaint only during the last week of January 2018.

6. This Court on perusing the affidavit filed by the petitioner in support of her petition to condone delay and the reason stated by the learned District Judge for dismissal of the petition, is convinced that the reasons stated for dismissal is both legally and factually correct. The order impugned is in consonance with Article 20(2) of the constitution and Section 300 of Cr.P.C. There is no necessity to interfere in the said order. Hence, the petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Principal District and Sessions Judge,
Ariyalur Sessions Division, Ariyalur.

+lcc to Mr.S.Gridharan, Advocate, S.R.No.40327

Cr1.O.P.No.18541 of 2019 and
Cr1.M.P.No.9398 of 2019

GPL[co]
NSK/27/07/2022