



Crl.RC.No.1306 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.RC.No.1306 of 2017
and
Crl.M.P.No.12717 of 2017

Kanagavalli

... Petitioner

Vs.

Balakrishnan

... Respondent

Prayer: Criminal Revision Petition is filed under Sections 397 read with Section 401 of the Criminal Procedure Code, to set aside the charge of 420 IPC in C.C.No.139 of 2014, order dated 28.09.2016 pending on the file of the learned Judicial Magistrate-I, Mettur.

For Petitioner : No Appearance

For Respondent : Mr.R.Muruga Bharathi

ORDER

The Criminal Revision Petition has been filed to set aside the charge of 420 IPC in C.C.No.139 of 2014, order dated 28.09.2016 pending on the file of the learned Judicial Magistrate-I, Mettur.



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2. The petitioner herein is shown as an accused in C.C.No.139 of 2014, which is pending before the learned Judicial Magistrate-I, Mettur.

3. The respondent is the divorced husband of the petitioner. The petitioner and the respondent got married by way of reformed marriage on 10.10.1995 and out of the marriage, a girl child was born to them viz., Tamildhanu on 28.08.1996. Thereafter, there was a difference of opinion and divorce was obtained on 17.06.1999. The respondent being a Periyorist, thereafter gave an opportunity to the petitioner to change of her course and hence, took her back to the matrimonial home setting aside the earlier divorce obtained by the respondent by order dated 12.06.2003. The respondent and the petitioner joined together and thereafter, the respondent found that the petitioner had not changed of her course and she had extra marital affairs. Hence, the respondent filed the divorce petition in H.M.O.P.No.86 of 2007 on the ground of adultery and divorce was granted on 10.07.2009. Meanwhile, the petitioner had also filed maintenance petition in M.C.No.10 of 2006 and the respondent has been making payment. The petitioner had been continuing her way of life as per her wish. Further, she had fleecing the respondent in the guise



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of payment of fees or any other urgent expenses for her daughter. She has been extracting money from the respondent. Hence, the respondent had lodged a private complaint before the learned Judicial Magistrate-I, Mettur for the offence under Sections 420, 406 and 506 (ii) of IPC.

4. After examining the respondent and the witnesses, the Trial Court had taken the case on file. The petitioner had appeared before the Trial Court and filed a discharge petition under Section 245(2) of the Criminal Procedure Code. The Trial Court on considering the submissions on either side and on the materials produced finally found *prima facie* case is made against the petitioner under Section 406 and 506 (ii) of IPC and the petitioner has been discharged from the offence under Section 420 of IPC.

5. Against which, the present revision has been filed by the petitioner, who is an accused in C.C.No.139 of 2014.

6. This petition has been filed in the year 2017 and for the past



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several hearings neither the petitioner nor the respondent had appeared before this Court shown any interest to pursue the matter. There have been succeeding adjournments in the matter, either at her request or it had been adjourned for the reason no representation. It is also seen that the original case which is pending before the Trial Court is of the year 2014.

7. From the e-court adjudication, it is seen that the case has been kept pending till 22.09.2017 for issue of service. Thereafter, on 08.12.2017 and 07.03.2018 the case was posted for evidence. Thereafter, it has been represented before the Trial Court and stay has been obtained and the Trial Court had been periodically adjourned the case recording stay. Finally, the case is posted to 23.01.2023. This Court on perusal of the materials and background of the case found that there is no reason to interfere with the impugned order passed by the Trial Court.

8. Accordingly, this Criminal Revision Petition is dismissed. However, the learned Judicial Magistrate-I, Mettur, is directed to dispose



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of the above case in C.C.No.139 of 2014, within a period of six months from the date of receipt of a copy of this order. Consequently, the connected criminal miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/No
dm

To

The Judicial Magistrate-I, Mettur.



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M.NIRMAL KUMAR, J.

dm

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