



WEB COPY

CrI.R.C.(MD)No.180 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.R.C. (MD)No.180 of 2021

in

CrI.M.P. (MD)No.2386 of 2021

Arockiya Valentina

... Petitioner/Petitioner/
Defacto Complainant

Vs.

1. The State represented by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.

2. Thomas Vargees

3. Usha Elizabeth Vargees ...Respondent
**(*R2 & R3 impleaded vide order
dated 12.08.2021)**

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records relating to the order passed by the learned Judicial Magistrate No.IV, Thoothukudi in Cr.M.P No.1245 of 2019 in C.C No.1188 of 2017 on 06.11.2020 and set aside the same.

For Petitioner : Mr.T.A.Ebenezer

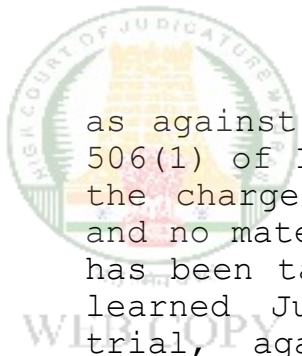
For R1 : Mr.M.Aasha
Government Advocate (Criminal Side)

For R2 & R3 : Mr.J.Senthil Kumar

ORDER

The petition has been filed to set aside the order passed by the learned Judicial Magistrate No.IV, Thoothukudi in Cr.M.P.No.1245 of 2019, dated 06.11.2020.

2.Based on the complaint lodged by the petitioner, the first respondent registered the case in Crime No.17 of 2013 for the offences under Sections 498 (A) and 506(1) of IPC as against her husband and in-laws. However, after completion of the investigation, the first respondent had filed the final report only



as against her husband, for the offences under Section 498 (A) and 506(1) of IPC. The first respondent has not included her in-laws in the charges, for the reason that there is no specific allegations and no material to file a charge as against her in-laws and the same has been taken cognizance in C.C.No.1188 of 2017 on the file of the learned Judicial Magistrate No.IV, Thoothukudi. While pending trial, again the petitioner filed a petition seeking further investigation and under Section 173(8) of Cr.P.C. The Trial Court dismissed the same for the reason that there are no specific allegation as against her in-laws.

3.The crux of the allegation is that on 10.10.2012, the petitioner was manhandled by the first accused, which was resulted in serious injuries. Therefore, the entire allegations are foisted only as against her husband and no allegation as against her in-laws.

4.On perusal of the statement as well as the complaint lodged by the petitioner, the entire allegations had been levelled as against her husband and no allegation as against the respondents 2 and 3 herein. Therefore, the Court below had rightly dismissed the Cr.M.P.No.1245 of 2019.

5.This Court finds no infirmity or illegality in the order passed by the Court below. In view of the same, this criminal revision petition is dismissed. Consequently, the connected miscellaneous petition is also closed. However, the petitioner is at liberty to invoke the provision under Sections 216 and 319 of Cr.P.C. before the trial Court during the trial.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To

1. The Judicial Magistrate No.IV, Thoothukudi.

2. The Inspector of Police,
All Women Police Station,
Thoothukudi,Thoothukudi District.

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

Copy to:

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

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10.03.2022