



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

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

CrI.R.C. (MD)No.610 of 2021

Ribaya Rajathi

... Petitioner/petitioner

Vs.

State Rep by
The Inspector of Police
All Women Police Station
Ambasamudram
Tirunelveli District
Cr.No.26 of 2017

...Respondent/Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for records relating to the order passed by the Learned Judicial Magistrate, Ambasamudram in Cr.M.P.No.1678 of 2018, dated 14.09.2018 and set aside the same.

For Petitioner	: Mr.T.A.Ebenezer
For Respondent	: Mrs.M.Aasha
	Government Advocate
	(Criminal Side)

ORDER

The criminal revision case has been filed to set aside the order passed by the Learned Judicial Magistrate, Ambasamudram in Cr.M.P.No.1678 of 2018, dated 14.09.2018.

2.The respondent registered a case in Crime No.26 of 2017 for the offences under Sections 498(A), 406, 294(B), 323 and 506(1) of IPC and Section 4 of Dowry Prohibition Act, 1961 as against five accused persons. After completion of investigation, the respondent filed a final report deleting the accused Nos.4 and 5 for the reason that the petitioner made statement that while alleging the complaint, he unnecessarily added the accused Nos.4 and 5 as accused.

3.The learned Counsel for the petitioner submitted that without making any statement, the respondent police recorded that the petitioner had lodged complaint without any allegation. He also pointed that as per the statement recorded under Section 161 Cr.P.C., the specific allegation as against them is contrary to the statement of the Investigation Officer and as such, during the trial, the petitioner can very well invoke the provision under Section 216 and 319 of Cr.P.C to add the offences and also to add other accused persons.



4. Therefore, this Court finds no infirmity and illegality in the order passed by the Court below in Cr.M.P.No.1678 of 2018, dated 14.09.2018. Accordingly, the criminal revision case is dismissed.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate, Ambasamudram

2.The Inspector of Police
All Women Police Station
Ambasamudram
Tirunelveli District

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

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NSN(CO)
KB(11.03.2022) 2P 4C