



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.80 of 2022

V.Chandran

... Petitioner/Petitioner

Vs.

1.Vijayraj

2.Alagaadevan @ Alagathevar

3.Gnanammal

... Respondents 1 to 3/
Proposed Accused

4.The Village Administrative Officer,
No.29, Usilampatti Town,
Usilampatti Taluk,
Madurai District.

5.The Commissioner of Police,
Madurai City.

6.The Inspector of Police,
Koodalpudur Police Station,
Madurai City.

... Respondents 4 to 6

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.No.8948 of 2021 vide order dated 17.12.2021 and set aside the same and consequently, direct the sixth respondent to register the petitioner's complaint dated 07.10.2021 as an F.I.R and to proceed with the same in accordance with law.

For Petitioner

For RR 2 & 3

For RR 4 to 6

: Mr.R.Anand

: Mr.B.Jeya Kumar

: Ms.M.Aasha

Government Advocate (Crl. Side)

ORDER

This revision has been filed as against the order passed in Cr.M.P.No.8948 of 2021, dated 17.12.2021 on the file of the learned Judicial Magistrate No.IV, Madurai, thereby dismissing the petition seeking for direction under Section 156(3) of Cr.P.C.

2.Heard both sides and perused the entire materials available on record.



3.On a perusal of the complaint lodged by the petitioner revealed that his daughter and the first respondent/first proposed accused got married on 01.12.2018. At the time of marriage, the first proposed accused was a divorcee and the petitioner's daughter was a widower. After their marriage, there were matrimonial disputes between them. The first proposed accused had demanded huge dowry from the petitioner's daughter and also abandoned his daughter and left abroad. Further, alleged that the proposed accused persons have suppressed the first proposed accused's marriage dated 27.05.2013 with one Karthika and represented that he had solemnized marriage with one Nithya alone and the same was dissolved by mutual divorce decree. That apart, the petitioner's daughter already filed a divorce petition as against the first proposed accused and it is pending. Therefore, there is absolutely no averments to constitute any cognizable offence though the learned Magistrate dismissed the direction petition on the ground that there is no proof to show that the petitioner has lodged the complaint before the authority concerned.

4.In view of the above, this Court finds no illegality or irregularity in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to lodge a private complaint in the manner known to law, if he is so advised.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 No.IV,
Madurai.
- 2.The Village Administrative Officer,
No.29, Usilampatti Town,
Usilampatti Taluk,
Madurai District.



3.The Commissioner of Police,
Madurai City.

4.The Inspector of Police,
Koodalpudur Police Station,
Madurai City.

WEB COPY

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-14091[F] dated 24/03/2022)

Crl.R.C (MD) No.80 of 2022
23.03.2022

CK(CO)
KB(01.04.2022) 3P 7C