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Crl.R.C.(MD).No.947 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.947 of 2022

G.Athilakshimi

... Petitioner

Vs.

1. Inspector of Police,
AWPS, Manamadurai,
Sivagangai District.

2. Superintendent of Police,
Sivagangai District.

... Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the entire relevant records and set aside a impugned order passed by the learned Judicial Magistrate Court, Manamadurai in C.M.P.No.2598 of 2022 dated 05.09.2022 and consequently to direct the first respondent to register a FIR based on the petitioner's complaint dated 25.07.2022 within a stipulated time.

For Petitioner : Mr.R.Senthil Kumar
For Respondnet : Mr.SS.Madhavan
Government Advocate(Crl.side)



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ORDER

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This Criminal Revision Case has been filed to call for the entire records and set aside the impugned order passed by the learned Judicial Magistrate Court, Manamadurai in C.M.P.No.2598 of 2022 dated 05.09.2022 and consequently to direct the first respondent to register a FIR based on the petitioner's complaint dated 25.07.2022.

2. The case of the prosecution is that the proposed accused, namely, Balakrishnan and the petitioner are husband and wife and both of them married on 21.03.1999. Out of the wedlock, one male child was born. Thereafter, the proposed accused Balakrishnan married one Dhanavalli as a second wife without obtaining any divorce, when the same was questioned by the petitioner, at that time the proposed accused, namely, Balakrishnan abused the petitioner and also made a criminal intimidation.

3. The petitioner had given a complaint to the second respondent and the same was forwarded to the first respondent and no action has been taken. Thereafter, the petitioner has filed a petition under Section 156(3) Cr.P.C before the Judicial Magistrate, Manamaduri in C.M.P.No.2598 of 2022 and the same was dismissed. Challenging the same, the present Criminal Revision Case has been filed.



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4. The learned counsel for the petitioner submitted that apart from the allegation of second marriage, some sort of criminal intimidation has been made by him and the same was not properly considered by the Judicial Magistrate Court.

5. The allegation on the side of the petitioner that on the particular date (i.e) on 22.07.2022, she enquired the proposed accused about the second marriage. At that time, she was criminally intimidated. But it is only a bald allegation with regard to the criminal intimidation. On that ground only, the above said complaint was dismissed by the trial Court stating that the offence under Section 494 IPC is non-cognizable offence, over which, the police complaint is not maintainable.

6. I find no error in the above said order, which has been passed by the trial Court. Allegation with regard to the criminal intimidation has been made to make it as cognizable offence, which is apparent on the face of the record. No interference is called for. Liberty is granted to the revision petitioner to file a private complaint under section 200 Cr.P.C, which is not barred.



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With the above said liberty, this Criminal Revision is dismissed.

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Index : Yes / No
Internet : Yes / No
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To,

Family Court, Madurai



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G.ILANGO VAN,J.

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