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Crl.R.C.No.616 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.616 of 2023

F.Jenifer

... Petitioner

/vs/

State Rep by
The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram,
Chennai 600 045

... Respondent

Prayer : Criminal Revision Case filed under section 397 r/w 401 of Cr.P.C, to call for the records pertaining to the order in Crl.M.P.No.205 of 2023 dated 07.02.2023 by the learned Judicial Magistrate-I, Tambaram and set aside the same and consequently direct the respondent Police to register the complaint of the petitioner dated 04.06.2022, file First Information Report.

For petitioner ... Mr.R.Thanigai Arasu

For Respondent ... Mr.R.Vinothraja,
Government Advocate

(Crl.Side)



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ORDER

Challenging the order dated 07.02.2023 passed by the learned Judicial Magistrate-I, Tambaram in Crl.M.P.No.205 of 2023, this Criminal Revision is filed by the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner is married to one Mickel George, S/o.Simeon, residing at No.2, S.N.M.Rahman Nagar, East Gate, Thanjavur. The marriage took place on 11.06.2017 at Adaikala Matha Church, Thanjavur. Due to misunderstanding between them, they are now living separately. The petitioner-wife had filed a petition in H.M.O.P.No.13 of 2002 on the file of the Family Court, Thanjavur, in which, proceedings are pending. It is the contention of the petitioner that her husband has taken the petitioner's educational certificate, passport, cheque book etc., and refused to return them and also threatened her. Hence, she filed a complaint before the respondent-Police. Since no action has been



taken on the said complaint, a petition under Section 156(3) of Cr.P.C has been filed before the learned Judicial Magistrate, Tambaram, Chennai to direct the respondent-Police to register the complaint and to investigate and file a final report. The learned Judge dismissed the said petition on the ground that since already the proceedings are pending before the Family Court, Thanjavur, the petitioner may seek appropriate remedy before the Family Court itself. The said order is now under challenge in this Revision Petition.

3.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing on behalf of the respondent.

4.On a perusal of the records, it is noticed that the petitioner had not filed any complaint before the Judicial Magistrate and she has filed only an affidavit and petition for forwarding the same under Section 156(3) Cr.P.C to the respondent-Police. The affidavit and petition cannot be treated as a complaint before the Judicial Magistrate and upon the affidavit, the case cannot be registered. Therefore, this



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revision is not maintainable. Further, admittedly, the divorce proceedings are pending before the Family Court, Thanjavur between the parties. If the petitioner's educational certificate, passport, cheque book, etc, are in the custody of the husband, the petitioner has to file appropriate application only before the Family Court and seek necessary remedy.

5. Accordingly, this criminal revision is dismissed.

03.04.2023

srn

To

1. The learned Judicial Magistrate-I, Tambaram
2. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai 600 045
3. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM, J.

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