



Crl.R.C.No.1247 of 2023
and Crl.M.P.No.9957 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

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and
Crl.M.P.No.9957 of 2023

1.Rajendiran
2.Bakkiyaraj
3.Poongodi
4.Rasathi
5.Parvathi

... Petitioners

Vs.

State Rep. by
The Station House Officer,
The Sub Inspector of Police,
All Women Police Station,
Virudhachalam,
Cuddalore District.
(Crime No.13/2017)

... Respondent

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to call for the records in C.M.P.No.1838/2022 in C.C.No.115/2019 dated 29.05.2023 passed by the Judicial Magistrate,



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For Petitioners : Mr.K.Gandhi Kumar

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenging the orders dated 29.05.2023 in C.M.P.No.1838/2022 in C.C.No.115/2019 passed by the learned Judicial Magistrate, Tittagudi, the present revision is filed.

2. The petitioners are the accused in CC No.115/2019 on the file of the Judicial Magistrate, Tittagudi. The defacto complainant filed a petition under Section 156(3) Cr.PC before the learned Judicial Magistrate, Tittagudi. Learned Judicial Magistrate, Tittagudi after recording the statement of the complainant and after perusing the documents adduced on her side, referred the case to the Inspector of Police, All Women Police Station, Virudhachalam for registering FIR against the accused and investigating the case.



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3. The crux of the complaint is that all the accused who are the husband and in-laws of the defacto complainant ill-treated her and also demanded dowry from her. The private complaint was filed before the Judicial Magistrate, Tittagudi under Section 200 Cr.P.C. and the same was referred to All Women Police Station, Vridhachalam for investigation. Thereafter, the FIR in Crime No.13/2017 before all Women Police Station, Virudhachalam, Cuddalore District was registered against all the accused for the offences punishable under Sections 294(b), 323, 420, 406, 313, 342, 498(A), 506(ii) IPC and Section 4 of Tamilnadu Women Harassment Act. After the conclusion of investigation, a final report was filed in C.C.No.115/2019 before the Judicial Magistrate, Tittagudi. Thereafter, the accused filed a petition under Section 239 Cr.P.C. for discharging them from the offences with which they are charged.

4. In the discharge petition, the accused had contended that the allegations made against them are totally false and that the defacto



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complainant had an illicit relationship with some other person on account of which she also became pregnant. According to them, all the jewels and other articles were given to the defacto complainant by her parents on their own will and that they did not demand anything from her. The petitioners 4 & 5 had contended that they are residing in a place which is 150 KM away from the matrimonial home of the defacto complainant and her husband and that they are not living with them. According to the petitioners, all the allegations made in the final report are general in nature and that there is no prima facie case to frame charges against them.

5.The learned Judicial Magistrate, Tittagudi after considering rival submissions made by the accused as well as the prosecution, dismissed the discharge petition vide orders dated 29.05.2023. Aggrieved over the same, this present revision is filed.

6. Heard, Mr.K.Gandhi Kumar, learned counsel for the revision petitioners and Mr.R.Vinothraja, learned Government Advocate



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WEB COURT (Crl.Side) for the respondent.

7. Mr.K.Gandhi Kumar, learned counsel for the revision petitioners contended that the case was referred to the police under Section 156(3) Cr.P.C. and that the defacto complainant did not file an affidavit along with the said petition as laid down by the Hon'ble Supreme Court in *Priyanaka Srivastha and Another Vs. State of Uttar Pradesh and Others* reported in *2016-1-L.W.(Crl) Page No.106*. He also contended that all the allegations made in the complaint against the accused are totally false.

8. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl.Side) for the respondent contended that the investigating officer after conducting proper investigation has filed a final report against the accused and the trial court judge by a detailed order dismissed the petition filed by the present petitioners and therefore, no interference is called for. He pressed for dismissal of this criminal revision.



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for the offence punishable under Sections 498 (A), 406, 312, 321, 294

(b) IPC. The contention of the learned counsel for the petitioners that A4 & A5 are not family members and that they are residing far away from the matrimonial house of the defacto complainant and her husband, can be gone into only at the time of trial. All the observations made by the trial court are perfectly in order and the same cannot be found fault with by this Court.

11. In the result,

- i. the Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.
- ii. The orders dated 29.05.2023 in C.M.P.No.1838/2022 in C.C.No.115/2019 passed by the Judicial Magistrate, Tittagudi, is confirmed.

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Index: Yes/No, Internet: Yes/No
Speaking/Non-Speaking order
mtl

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To

- 1.The Station House Officer, The Sub Inspector of Police,
All Women Police Station, Virudhachalam, Cuddalore District.
- 2.The Judicial Magistrate, Tittagudi.
3. The Section Officer, Criminal Section, High Court, Madras.



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R. HEMALATHA, J.
mtl

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