



Crl.R.C.No.1466 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.1466 of 2023

S.Sivakumar

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
R-3, Ashok Nagar Police Station,
Ashok Nagar, Chennai – 600 024.

2.G.K.Narashimhan

3.K.C.R.Hari

4.K.C.R.Siva

5.R.M.Gopinathan

6.K.Ganesh Babu

7.Ramdoss

8.Kalyani

9.Loka @ Lokanayaki

10.J.S.Ramamoorthy

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 27.06.2023 in Crl.M.P.No.8762/2023 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai and direct the first respondent police to register FIR and investigate the case.

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For Petitioner : Ms.L.Kanimozhi
For R1 : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenge in this revision is made to the orders dated 27.06.2023 in Crl.M.P.No.8762/2023 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai.

2.The revision petitioner is the complainant in Crl.M.P.No.8762/2023. He filed a private complaint u/s.200 Cr.P.C seeking direction to the first respondent police to register FIR and to investigate the case under Section 156(3) Cr.P.C. on the complaint preferred by him.

3.The case of the complainant is that he is the father-in-law of one Pavithra and the respondents 2 to 10 are her relatives. According to the complainant, the private respondents 2 to 10 abused him in filthy language and also obtained his signature in a stamp paper at knife point



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threatening him with dire consequences. He thus lodged a complaint with the Inspector Police, R-3, Ashok Nagar Police Station, Ashok Nagar, Chennai and a challan in CSR No.145/2022 was issued. After conducting an enquiry, the police closed CSR No.145/2022. Thereafter, the complainant approached IV Metropolitan Magistrate, Saidapet, Chennai by way of filing a private complaint u/s.200 Cr.P.C. The learned IV Metropolitan Magistrate, Saidapet, Chennai dismissed the private complaint by observing thus :

“7.On perusal of the complaint, documents and affidavit, it is seen that there is matrimonial dispute between the complainant's son and his wife. They have also filed divorce petition before the 4th Additional Family Court, Chennai in HMOP No.1214/2022 and same is pending. Apart from that a criminal case in Cr.No.14/2022 U/s.498A, 420, 406, 506(ii) r/w.34 IPC and Section 3 and 4 of the DP Act was registered by the Inspector of Police W-26, All Women Police Station, Ashok Nagar, Chennai, against the complainant's son, complainant, complainant's wife, Rekha and Deepak. Further the said police has completed the investigation and filed the final report before this court. This



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court has also taken cognizance of the offences U/s.498A, 420, 406, 506(ii) r/w.34 IPC and Section 3 and 4 of the DP Act in C.C.No.835/2023. The 2nd to 5th accused have appeared before this Court through their counsel in the said case. The 2nd to 10th respondent are relatives. When the life of the daughter of the 2nd respondent is in trouble, it is natural that their relatives will come to house of the complainant for a talk or compromise and to settle the dispute between the complainant's son and his wife. The alleged occurrence took place on 07.03.2022. It is not case of the complainant that the 2nd to 10th respondents misused the signed stamp papers by the complainant.

8. There is no prima facie case made out to investigate the case against the 2nd to 10th respondent for the reason that they are in-laws of the complainant's son and there is the matrimonial dispute between the complainant's son and his wife. Further the complainant has lodged complainant on 07.03.2022 before the police. Thereafter, he did not follow up the complaint. After the Inspector of Police W-26, All Women Police Station has filed the final report on 28.02.2023 and after the 2nd to 5th accused received summon in the said case, the complainant has come forward with this



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complaint on 10.04.2023. This present complaint appeared to have filed as a counter blast for the case registered against the complainant and his relatives. There is no merit in this complaint.”

4. Aggrieved over the said orders, this criminal revision case is filed.

5. Ms.L.Kanimozhi, learned counsel for the revision petitioner would contend that though in the complaint, it is specifically stated that the signature of the complainant was obtained in an unfilled stamp paper by the respondents 2 to 10, the police failed to initiate any action and the learned IV Metropolitan Magistrate, Saidapet also dismissed the private complaint filed by the revision petitioner/complainant. She therefore, prayed for directing the first respondent police to register FIR against the respondents 2 to 10 and to investigate the case.



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6. A perusal of the complaint and the orders passed by the learned IV Metropolitan Magistrate, Saidapet shows that the second respondent's daughter Pavithra was given in marriage to the complainant's son and that there was a dispute between the couple. The daughter-in-law of the complainant had lodged a complaint with the Inspector of Police W-26, All Women Police Station, Ashok Nagar, Chennai against the complainant's son, complainant, complainant's wife etc., and the same was registered in Crime No.835/2023 for the offences punishable u/s.498A, 420, 406, 506(ii) r/w.34 IPC and Section 3 & 4 of Tamil Nadu Dowry Prohibition Act. After conducting investigation, a final report was filed in C.C.No.835/2023 before the IV Metropolitan Magistrate, Saidapet, Chennai.

7. Though the complainant alleged that the occurrence took place on 07.03.2022 and contended that he immediately lodged a police complaint on the very same date he did not take any follow up action. A Perusal of the records shows that the revision petitioner/complainant



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after receiving the summons in C.C.No.835/2023, had filed the present complaint on 10.04.2023 against the respondents 2 to 10. Therefore, it seems to be an afterthought and this aspect has also been taken into consideration by the Trial Court Judge. Moreover, the main dispute is only between the couple Pavithra and her husband. Therefore, I do not see any reason to interfere with the orders passed by the Trial Court Judge.

8. In the result, this Criminal Revision Case is dismissed. The orders dated 27.06.2023 in Crl.M.P.No.8762/2023 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai, is confirmed.

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



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R. HEMALATHA, J.
mtl

To

1.State rep. by
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R-3, Ashok Nagar Police Station,
Ashok Nagar, Chennai – 600 024.

2.The IV Metropolitan Magistrate, Saidapet, Chennai.

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