



*Crl.R.C.No.1727 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.R.C.No.1727 of 2023 &  
Crl.M.P.No.16492 of 2023

A.Mallika Raj

... Petitioner

Vs.

1.R.Bhuvanashwari

2.G.Krishnakumar @ Ramesh

... Respondents

**PRAYER:** Criminal Revision Case filed under Section 397 and 401 of Cr.P.C to call for the records relating to the proceedings of the order in C.M.P.No.1291 of 2021 on the file of the learned Judicial Magistrate-2, Pollachi, Coimbatore District set aside the same.

For Petitioner : Mr.R.Muruga Bharathi

**ORDER**

This Criminal Revision Petition has been filed to set aside the order dated 16.08.2023 in C.M.P.No.1291 of 2021 on the file of the learned



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Judicial Magistrate-2, Pollachi, Coimbatore District.

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2. The petitioner who is the complainant filed a complaint before the learned Judicial Magistrate-2, Pollachi in C.M.P.No.1293 of 2019. Thereafter, All Women Police, Pollachi had registered a case in crime No.22 of 2019 for the offence under section 494 IPC against 9 persons. The learned Judicial Magistrate-2 had taken cognizance against A1 and A2 and rejected cognizance as regards A3 to A9. Thereafter, the petitioner had filed a petition under section 319 Cr.P.C in C.M.P.No.1291 of 2021 to include A3 to A9 as accused in the case. The Trial court had dismissed the petition by order dated 16.08.2023, against which the present revision.

3. The contention of the petitioner is that the petitioner got married with the first respondent/A1 viz., R.Bhuvaneshwari on 16.09.2007 at Palamalai Renganatham Temple, Ganapathi V.G.Rao Nagar, Coimbatore. After marriage, they were leading a happy life and they have no children out of wedlock. The petitioner had so much love and affection for his wife/A1. He made his wife, a partner in the business he ran. He pursue his wife to complete her higher education. The petitioner had also purchased a Honda



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City Car and two two-wheelers for his wife. His wife/A1 seeing the money flow, became greedy and demanded money from the petitioner for the renovation of her mother's house and for her parents. Initially, the petitioner had given some money. Thereafter, the first respondent who is the wife of the petitioner left her matrimonial home and started to live with her parents. He would also submit that his wife after availing of all the benefits from him, filed a divorce petition on the ground of cruelty in H.M.O.P.No.1186 of 2018 and without obtaining the finality in the said divorce petition, she married one Krishnakumar @ Ramesh. The marriage was attended by A3 to A8, despite knowing the existence of marriage between the petitioner and the first respondent. A9 is the temple priest. He submits that the A3 to A9 joined together and conspired. When the petitioner came to know about the same, he lodged a complaint with the All Women Police Station. Since there is no progress in the complaint given, he lodged a complaint before the learned Judicial Magistrate – II, Pollachi. Later, he came to know that the learned trial judge has not taken cognizance against A3 to A9 and hence, he filed CMP.No.1291 of 2021 under section 319 Cr.P.C. The petitioner had also filed H.M.O.P.No.936 of 2019 for restitution of conjugal rights. The



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lower court failed to consider the materials produced by the petitioner and dismissed the petition against which the present revision.

4. This Court considered the submission and perused the materials viz., H.M.O.P.Nos.1156 of 2018 & 936 of 2019, FIR and the deposition of witnesses. It is seen that A3 to A9 were informed that the marriage between the petitioner and the first respondent A1 was dissolved and they have attended the marriage held between the first respondent A1 and the second respondent A2, as per their invitation through mobile to attend their marriage. The reason for dismissal of C.M.P.No.1291 of 2021 given by the trial court seems to be reasonable.

5. In view of the same, this Court do not find any reason to interfere with the order of the trial court. Hence, the order of the trial court dated 16.08.2023 passed in C.M.P.No.1291 of 2021 is hereby confirmed. Accordingly, this Criminal Revision Case is dismissed. Consequently connected miscellaneous petition is closed.



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To

1. The Judicial Magistrate-2, Pollachi, Coimbatore District
2. The Public Prosecutor,  
High Court, Madras.



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**M. NIRMAL KUMAR, J.**

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