



Crl.R.C.(MD) No.651 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.651 of 2023
and
Crl.M.P.(MD)No.9130 of 2023

Arulendhi

... Revision Petitioner/
Accused

Vs.

The State by
The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
(Crime No.277 of 2021)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Cr.P.C., to set aside the order passed in Cr.M.P.No.402 of 2023 dated 01.06.2023 in C.C.No.83 of 2022 on the file of the learned Additional Mahila (JM Level) Court, Sivagangai, Sivagangai District and allow this criminal revision.

For Petitioner : Mr.R.Balamuruganantham

For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. Side)



Crl.R.C.(MD) No.651 of 2023

WEB COPY

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No. 402 of 2023 in C.C.No.83 of 2022 dated 01.06.2023 on the file of the Judicial Magistrate, Additional Mahila Court, Sivagangai, dismissing the discharge application filed under Section 239 Cr.P.C.

2. On the basis of the complaint lodged, FIR came to be registered in Crime No.277 of 2021 against the petitioner herein for the alleged offences under Sections 448, 294(b), 324 and 506(2) IPC and Section 4 of TNPHW Act altered into Sections 448, 294(b), 506(2) and 326 IPC and Section 4 of TNPHW Act. The respondent, after completing the investigation, has filed the final report against the petitioner for the alleged offences under Sections 448, 294(b), 506(2) and 326 IPC and Section 4 of TNPHW Act and the same was taken on file in C.C.No.83 of 2022.

3. Pending calendar case, the petitioner has filed a discharge application under Section 239 Cr.P.C. The learned Judicial Magistrate, after enquiry, has



Crl.R.C.(MD) No.651 of 2023

passed the impugned order dismissing the said application. Aggrieved by the dismissal order, the accused has come forward with the present revision.

4. The main contention of the petitioner is that the property in dispute is a joint family property, that there existed civil dispute between both the sides and a civil suit is pending, that no such occurrence has taken place as alleged by the prosecution and that the above case came to be foisted against the petitioner falsely.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the charge sheet as well as the statement filed along with the charge sheet would reveal the ingredients for the offences, for which, charge sheet came to be filed.

6. A cursory perusal of the charge sheet, complaint and the statements filed along with the charge sheet would reveal that there existed a *prima facie* case to proceed against the petitioner and that the aspects now canvassed are matter for trial and the same cannot be gone into, in the petition for discharge. The learned



Crl.R.C.(MD) No.651 of 2023

Judicial Magistrate, after considering the above aspects, has rightly dismissed the petition. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

7. In the result, this Criminal Revision case is dismissed. However, the trial Court is directed to complete the trial and dispose of the case in C.C.No.83 of 2022 within a period of 4 months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

30.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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Crl.R.C.(MD) No.651 of 2023

To:-

- 1.The Judicial Magistrate,
Additional Mahila Court,
Sivagangai.
- 2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD) No.651 of 2023

K.MURALI SHANKAR, J.

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ORDER MADE IN
Crl.R.C.(MD)No.651 of 2023
and
CrI.M.P.(MD)No.9130 of 2023

Dated: 30.06.2023