



Crl.R.C.No.132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.132 of 2023

Mantrinya

... Petitioner

Vs.

1.State represented by
Inspector of Police,
All Women Police Station,
Coimbatore Central,
Coimbatore.

2.Sanketh Srinivas

3.K.V.Srinivas

4.Sandhya Rani

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to call for the records in order dated 08.11.2022 made in C.M.P.No.37431 of 2022 on the file of Judicial Magistrate/ Additional Mahila Court, Coimbatore and set aside the same.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.A.Gopinath for R1

Government Advocate (Crl. Side)



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Ms.Kadambari Suresh for R2 to R4

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ORDER

The criminal revision case has been filed seeking to set aside the order dated 08.11.2022 made in C.M.P.No.37431 of 2022 by the learned Judicial Magistrate, Additional Mahila Court, Coimbatore.

2.The case of the petitioner is that the petitioner is the wife, the second respondent is the husband and respondents 3 and 4 are the Father – in – Law and Mother – in – Law of the petitioner. The marriage between the petitioner and the second respondent was solemnized on 12.12.2013 at M.S.V.Marriage Hall, Salem. At the time of marriage, Gold and Diamond worth Rs.1 Crore was given as marriage gift and the entire marriage expenses were incurred by the petitioner's parents and the petitioner's grandfather deposited a sum of Rs.2 Crore in the fixed deposit and the same stood as a joint account in the name of the petitioner's grandfather and the petitioner. Besides all these, Golden and Diamond jewellery was also gifted to the second respondent.

3.The further case of the petitioner is that after marriage, the petitioner and the first respondent went to USA. Before going to USA, at the instigation of the third respondent, all the jewels were



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kept in the locker in the Vysya Cooperative Bank, Tumkur, in the name of the petitioner and her husband. Further, the fixed deposit was also transferred to Vysya Cooperative Bank, Tumkur. The second respondent was demanding more dowry and there was matrimonial dispute between the petitioner and the second respondent from the time of marriage. Whiles, the petitioner gave birth to a male child on 06.10.2019 and the petitioner's Mother went to USA to see her.

4.The further case of the petitioner is that on 18.12.2019 the petitioner returned to India along with her Mother and male child and thereafter the petitioner is living separately in Coimbatore. The petitioner changed the fixed deposit from Vysya Cooperative Bank, Tumkur to HDFC Bank, however, the locker key was with the respondents 3 and 4 and the petitioner requested the respondents 3 and 4 to give the locker key to her to take her jewels but the respondents 3 and 4 refused to give the locker key.

5.The further case of the petitioner is that the petitioner made complaint before the Inspector of Police, All Women Police Station, Coimbatore on 23.08.2021 and thereafter to the Commissioner of Police, Coimbatore on 04.09.2021 and since there was no response,



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the petitioner filed private complaint before the learned Judicial Magistrate, Additional Mahila Court, Coimbatore. Thereafter enquiry was conducted by the first respondent and preliminary report was filed before the learned Judicial Magistrate and the petitioner submitted her objections. The learned Judicial Magistrate accepted the preliminary report and concluded that it has no jurisdiction to take action on the complaint and rejected the objection filed by the petitioner. Aggrieved by the same, the petitioner has filed this revision.

6.The learned counsel appearing for the petitioner submitted that admittedly, the marriage between the petitioner and the second respondent was solemnized on 12.12.2013 at Salem and thereafter they went to USA and the petitioner gave birth to a male child on 06.10.2019 at USA and the petitioner returned to India along with her Mother and male child on 18.12.2019 and thereafter the petitioner is living in Coimbatore. Since the petitioner is living in Coimbatore, she made complaint before the law enforcing agency and since there was no action, she filed private complaint before the learned Magistrate and the learned Magistrate also simply rejected the complaint. The learned counsel further submitted that since the petitioner is living in



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Coimbatore, the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, have the power to take action on the complaint filed by the petitioner. In support of his contentions, the learned counsel relied upon the decision of the Hon'ble Apex Court reported in (2019) 5 SCC 384 [Rupali Devi Vs. State of Uttar Pradesh and Others].

7.The learned counsel appearing for the respondents 2 to 4 submitted that the marriage between the petitioner and the second respondent was solemnized on 12.12.2013 at Salem and thereafter they stayed in the parental house of the second respondent only for a period of two weeks and thereafter they went to USA. The problem arose as soon as the Mother of the petitioner landed in USA. The learned counsel further submitted that after landing in India, the petitioner has filed D.V.A.No.32 of 2022 under Section 19 and 20 of the Domestic Violence Act as against respondents 2 to 4 before the learned Judicial Magistrate, Special Court for Trial of Case under Domestic Violence Act, Coimbatore and also filed maintenance case under Section 125 of Cr.P.C. in M.C.No.82 of 2022 before the Family Court, Coimbatore. Hence the second respondent filed divorce petition in H.M.O.P.No.194 of 2023 before the Family Court, Tumkur, Karnataka and the same has now been transferred to Family Court,



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Coimbatore. When these petitions are pending before different Courts, the petitioner has filed C.M.P.No.37431 of 2022 before the learned Judicial Magistrate, Additional Mahila Court, Coimbatore only in order to harass the age old respondents 3 and 4.

8. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) appearing for the first respondent and the learned counsel appearing for the respondents 2 to 4.

9. This Court perused the complaint made by the petitioner before the law enforcing agency as well as the trial Court. Perusal of the same reveals that the marriage between the petitioner and the second respondent was solemnized on 12.12.2013 and the problem arose after a lapse of nearly six years. The petitioner during her stay in USA has neither made complaint before the law enforcing agency in USA nor made complaint before the law enforcing agency in India. The alleged harassment made by the second respondent to the petitioner is between the years 2013 and 2019, however, the first complaint made by the petitioner is during the year 2021 and there is no proper explanation as to what happened during the period from



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2019 to 2021. The allegations made against the respondents 2 to 4 is also not heinous one. All the factual aspects were properly enquired and considered by the law enforcing agency and the law enforcing agency filed preliminary report before the trial Court and the trial Court accepted the same, which warrants no interference.

10.This revision is dismissed. Liberty is granted to the petitioner to canvass all the points in the domestic violence case and in maintenance case and to work out the remedy in the manner known to law.

26.06.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Judicial Magistrate,
Additional Mahila Court,
Coimbatore.
- 2.The Inspector of Police,
All Women Police Station,
Coimbatore Central,
Coimbatore.



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M.DHANDAPANI,J.
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