



Crl.R.C.No.385 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

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R.Saravanakumar

...Petitioner

Vs.

1. K.Sugunadevi
Special Sub-Inspector of Police,
Harur All Women Police Station,
Harur Town & Taluk, Dharmapuri District.
2. K.Sampath
Deputy Superintendent of Police,
Harur Sub Division,
Harur Town & Taluk, Dharmapuri District.
3. Amith Kumar Sing, I.P.S,
Superintendent of Police,
(Dharmapuri District B1 Police Station),
Office of the District Superintendent of Police,
Elakkiyampatty Panchayat, Dharmapuri District.
4. D.Vidhya
5. A.Dhanasekaran

...Respondents



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Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order of dismissal passed in Crl.M.P.No.3945 of 2018 dated 16.03.2020 on the file of the Judicial Magistrate Court, Harur.

For Petitioner : Mr.R.Jayaprakash

ORDER

This Criminal revision case has been filed seeking quashment of the order dated 16.03.2020 made in Crl.M.P.No.3945 of 2018 on the file of the Judicial Magistrate Harur.

2. The case of the petitioner is that, the petitioner is the husband and the 4th respondent is the wife and the 5th respondent is the father in law of the petitioner. The marriage between the petitioner and the 4th respondent was solemnised in the year 2012, however, due to some matrimonial dispute, the petitioner and the 4th respondent got separated within few days from the date of their marriage. Whiles, pursuant to the complaint filed by the 4th respondent as against the petitioner and his family members, the 1st respondent along with the 5th respondent and other police personnel visited the petitioner's house and conducted enquiry and even though the petitioner



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informed the 1st respondent that he had filed a not to harass petition before this Court in Crl.O.P.No.19030 of 2012, since the 4th respondent filed various false complaints as against the petitioner in order to harass him, however, without considering any of the said facts, at the instigation of the 2nd and 3rd respondents, summons were issued to the petitioner and his parents and thereafter, all the respondents/accused conspired together and hurriedly registered a criminal case against the petitioner in Cr.No.29 of 2012. Aggrieved over the same, the petitioner filed a quash petition before this Court in Crl.OP.No.13647 of 2012, however, the same was closed on the ground that the investigation was completed and charge sheet was filed. Thereby, the petitioner filed the present complaint before the trial court in Crl.MP.No.3945 of 2018 under Section 200 of Cr.P.C. However, the trial court, without considering any of the above said facts had dismissed the complaint filed by the petitioner, vide impugned order. Challenging the same, the petitioner has come up with this revision.

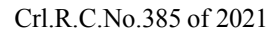
3. Learned counsel for the petitioner submitted that, the 1st respondent



investigating officer deliberately suppressed the material fact that summon was issued on 18.10.2012 and the enquiry report was made ready on 22.10.2012 wherein it is stated that he examined the Social Welfare Officer on 30.08.2012, however, without considering any of the above said facts, the trial court had dismissed the said complaint, which is wholly unsustainable. Accordingly, he prayed for appropriate orders.

4. Heard learned counsel for the petitioner and perused the material documents placed on record.

5. A perusal of the entire records particularly the complaint and the impugned order reveals that, the 1st respondent registered a criminal case against the petitioner and his family member for the offences under Section 498-A, 406, 294(b) and 506(i). Aggrieved by the same, the petitioner filed a quash petition before this Court in Crl.OP.No.13647 of 2012, however, the same was closed on the ground that the charge sheet was filed before the trial court. Thereafter the petitioner filed the present complaint under Section 200 of Cr.P.C. on the ground that the 1st respondent/investigating officer



6. It is to be pointed out that whenever a criminal case is registered under Section 498 IPC, it is the usual practice of the law enforcing agency to refer the matter to the social welfare officer and to record the statement. In the present case, the statement of the social welfare officer has been recorded on 30.08.2012, however, the final report has been laid only on 01.10.2012, about two months after the recording of the said statement. It is a mere fact that the final report has been laid after a period of about two months from the date of recording the statement of the Social Welfare Officer and not divulging the same in the final report alone cannot be a ground to doubt the veracity of the final report and to claim that it is a concoction by the law enforcing agency. All those facts are matters for trial.



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before the Trial Court in CC.No.33 of 2013 and the mere fact of delay in filing the final report cannot be construed that the law enforcing agency has colluded with the respondents to fasten the case on the petitioner. The trial court after considering all the said facts has dismissed the complaint filed by the petitioner, in which this Court does not find any fault with.

7. For the reasons aforesaid, this Criminal revision case stands dismissed.

15.04.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

The Judicial Magistrate,
Harur.



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M.DHANDAPANI, J.

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