



Crl.R.C.No.629 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2024

CORAM:

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

Crl.R.C.No.629 of 2024
and
Crl.M.P.No.6000 of 2024

Mohankumar

...Petitioner

Vs.

Anita Rachel Fonseca

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order dated 24.01.2024 in C.M.P.No.6993 of 2023 in C.C.No.269 of 2021 by the Hon'ble Additional Mahila Court, Chengalpattu by allowing the Revision petition.

For Petitioner : Mr.Ajay Francis Inigo Loyala

ORDER

This Criminal Revision Case has been filed seeking to set aside the order dated 24.01.2024 passed by the Additional Mahila Court, Chengalpattu in Crl.M.P.No.6993 of 2023 in C.C.No.269 of 2021.

2. The petitioner herein is arrayed as A-1 in C.C.No.269/2021



pending on the file of Additional Mahila Court, Chengalpattu. It is the case of the prosecution that the petitioner and the respondent herein are husband and wife and their marriage was solemnized on 05.11.2003. Out of the said wedlock, they were blessed with two male children. Due to matrimonial dispute between the petitioner and the respondent, a petition seeking divorce has been filed in H.M.O.P.No.847 of 2017 and the same is pending before the Additional Family Court, Chennai. In such circumstances, alleging that the petitioner/husband had performed second marriage with the 2nd accused namely Shrinanda Senguptha, the respondent/wife had lodged a private complaint under Section 200 of Cr.P.C and Sections 494 & 109 r/w Section 34 of IPC before the Additional Mahila Court, Chengalpattu which was taken on file as C.C.No.269 of 2021. Pending the same, the petitioner had filed a discharge petition in Crl.M.P.No.6993 of 2023 however, the same was dismissed by the trial court holding that the grounds raised in the discharge petition cannot be decided pending conclusion of trial. Challenging the same, the present revision has been filed by the petitioner/husband.



3. When the matter is taken up for hearing, learned counsel for the petitioner would submit that due to non-cooperation of the 2nd respondent, the trial could not conclude C.C.No.269 of 2021. Hence, this Court may, without going into the merits of the case, issue a direction to the trial court to dispose of the main case in C.C.No.269 of 2021 within the time that may be stipulated by this Court.

4. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

5. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, is inclined to issue a direction to the trial court to dispose of the main case in C.C.No.269 of 2021 pending on the file of the Additional Mahila Court, Chengalpattu within a period of six months from the date of receipt of a copy of this order and the prosecution and the accused shall co-operate with the trial to be conducted in C.C.No.269 of 2021. Failing cooperation of the parties, it is open for the trial court to proceed in accordance with law to



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conclude the trial.

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6. Accordingly, this Criminal Revision Petition stands dismissed with the aforesaid direction. Consequently, the connected Miscellaneous Petition is closed.

04.04.2024

NHS

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

To

The Additional Mahila Court,
Chengalpattu



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M.DHANDAPANI, J.

NHS

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