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Crl.R.C.No.491 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.491 of 2023

M.Rajakantha

... Petitioner

Vs.

1.Kasthuri
2.Neeraja devi
3.Rekha
4.Suchitra
5.Sumithra

6.Inspector of Police,
District Crime Branch,
Villupuram.

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order passed in Crl.M.P.No.204 of 2022 in Crime No.2 of 2015 by the learned Judicial Magistrate – I, Ulundurpet, Villupuram District.

For Petitioner : M/s.S.Shanmuga Velayutham

For Respondents : Mr.C.S.Dhanasekaran for R1 and R4
R2, R3 and R5 – NRN
Mr.A.Gopinath for R6



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Government Advocate (Crl. Side)

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ORDER

This criminal revision has been filed seeking to set aside the order dated 02.01.2023 passed by the learned Judicial Magistrate – I, Ulundurpet in C.M.P.No.204 of 2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the wife of one Kaliyamoorthy and their marriage was solemnized on 29.09.1993. The said Kaliyamoorthy had already married one Kasthuri and after getting divorce on 08.06.1993, he married the petitioner. The said Kaliyamoorthy retired from service as DSP in the year 2007 and he died due to kidney failure on 01.02.2013. Thereafter, the first respondent suppressing the fact that she got divorce from the said Kaliyamoorthy, obtained legal heir certificate in favour of herself and her four daughters and without including the name of the petitioner and her daughter in order to grab the properties belonging to the said Kaliyamoorthy and also mutated the patta in respect of a property in Pullur Village in Ulundurpet, which stood in the name of the said Kaliyamoorthy's Mother, thereby the petitioner made complaint before the law enforcing agency and the law enforcing agency also registered a case in Crime No.2 of 2015 for the offence



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under Sections 465, 468, 471, 467 of I.P.C. and thereafter the law enforcing agency filed referred charge sheet and the petitioner filed protest petition and the protest petition was dismissed.

3.The learned counsel appearing for the petitioner further submitted that though the petitioner is the second wife of the said Kaliyamoorthy, she is the legally wedded wife and the first respondent obtained legal heir certificate in favour of herself and her four daughters and without including the name of the petitioner and her daughter, which is a heinous offence and hence, the petitioner lodged complaint before the law enforcing agency and the law enforcing agency also registered a case, however, thereafter filed referred charge sheet and the trial Court also without taking cognizance, dismissed the protest petition filed by the petitioner which is not sustainable one.

4.The learned Government Advocate (Crl. Side) appearing for the sixth respondent submitted that it is purely a civil dispute which has to be ventilated before the civil Forum.



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5.The learned counsel appearing for the respondents 1 and 4 also adopted the argument made by the learned Government Advocate (Crl. Side).

6.Perusal of records reveal that the dispute between the petitioner and the private respondents appears to be a civil dispute.

7.In view of the above, this criminal revision case is dismissed. Liberty is granted to the petitioner to file petition under Section 200 of Cr.P.C. or under Section 223 of the Bharathiya Nagarik Suraksha Sanhita, 2023.

02.08.2024

pri

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

To

1.The Judicial Magistrate – I,
Ulundurpet,
Villupuram District.

2.The Inspector of Police,
District Crime Branch,

4/5



Villupuram.

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M.DHANDAPANI,J.
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