



Crl.R.C.No.673 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

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Kalpana

.... Petitioner

Versus

1. The State Rep. by its
The Inspector of Police,
All Women Police Station,
Nannilam, Thiruvarur District.

2. Senthil

3. Krishnan

4. Sagunthala

5. Geetha

6. Shanmugam

7. Kumutha

8. Vijayakumar

.... Respondents

Prayer: The Criminal Revision Case is filed under Section 397 r/w 401 of



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Cr.P.C. to set aside the order in Crl.M.P.No.235 of 2024 dated 23.01.2024 on the file of the District Munsif-cum-Judicial Magistrate at Nannilam, Thiruvarur District and direct to the first respondent to register the FIR based on the petitioner's complaint on 16.11.2023.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The present Criminal Revision Case has been filed to set aside the order in Crl.M.P.No.235 of 2024 dated 23.01.2024 on the file of the District Munsif-cum-Judicial Magistrate at Nannilam, Thiruvarur District and direct to the first respondent to register the FIR based on the complaint given by the petitioner on 16.11.2023.

2. The learned counsel appearing for the petitioner is that the petitioner is the wife and the second respondent is the husband and the marriage was solemnized on 17.01.2022 at G.K.Mahal, Kudavasal. At the time of marriage, the petitioner's family has given 25 sovereigns of gold and house hold articles and thereafter, they were blessed with a female child on



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20.02.2022 and subsequently, the accused family demanded a sum of Rs.2,00,000/- and harassed the petitioner/defacto complainant, thereby, she made a complaint before the Law Enforcing Agency. However, the Law Enforcing Agency has not taken any action and therefore, she made an appeal before the Superintendent of Police and the Superintendent of Police has not passed any order and hence, she filed a petition under Section 156(3) of Cr.P.C. before the trial Court. The trial Court has wrongly quoted the provisions of Sections 294(b) and 506(ii) I.P.C. Even then, the trial Court has to see the contention of the complaint and if any offence is made out, it is for the trial Court to decide the issue directing the Law Enforcing Agency to file a report. However, without perusing the contention of the complaint and seeing only the quoted provisions, the trial Court has passed an order, which is not sustainable in law. Therefore, the learned counsel appearing for the petitioner prayed to set aside the order passed by the trial Court.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that though the dowry harassment complaint was made, the trial Court wrongly quoted the provisions of



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Sections 294(b) and 506(ii) of I.P.C. Therefore, he would further submit that this Court may set aside the impugned order, remand the matter back to the trial Court and issue a direction to the trial Court to pass an order based on the averments made in the complaint.

4. Considering the the aforesaid submission, this Court is inclined to set aside the order passed by the trial Court in Crl.M.P.No.235 of 2024 dated 23.01.2024 and accordingly, the same is set aside and the matter is remitted back to the trial Court to pass an order based on the averments made in the complaint given by the petitioner.

Accordingly, this Criminal Revision Case is allowed.

05.06.2024

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To

1. The District Munsif-cum-Judicial Magistrate at Nannilam, Thiruvarur.
2. The Inspector of Police, All Women Police Station,
Nannilam, Thiruvarur District.
3. The Public Prosecutor, High Court of Madras.



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M. DHANDAPANI, J.

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