



Crl.R.C.No.714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.714 of 2024

M.Vijayavarman

... Petitioner

-Vs-

The State Represented by its
Inspector of Police,
Mangadu Police Station,
Kancheepuram District.

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 of Code of Criminal Procedure, praying to call for the records of the learned Judicial Magistrate, Sriperumpudur, Kancheepuram District and set aside the order passed by the learned Judicial Magistrate, Sriperumpudur, Kancheepuram District made in C.M.P.No.1334 of 2024 dated 18.03.2024 and further directing the respondent to register the case in view of the petitioner's complaint dated 03.10.2023 on the file of respondent police.

For Petitioner : Mr.S.Arivazhagan

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



Crl.R.C.No.714 of 2024

ORDER

WEB COPY

This Criminal Revision Case has been filed by the petitioner seeking to set aside the order passed by the learned Judicial Magistrate, Sriperumpudur, Kancheepuram District made in C.M.P.No.1334 of 2024 dated 18.03.2024 and further to direct the respondent to register the case in view of the petitioner's complaint dated 03.10.2023 on the file of respondent police.

2. The case of the petitioner is that, the marriage of the petitioner/husband and his wife, namely Divya was solemnized on 15.11.2021 in the presence of parents of both sides and a female child was born from and out of the wedlock between the petitioner and his wife. Thereafter, to look after his wife and child, the parents and sister of the wife were staying in the house of the petitioner. Whiles, on 29.07.2023 in the absence of petitioner, there was a dispute between his wife and her mother, due to which, the wife committed suicide and died. Thereafter, the parents and sister of the wife have stolen the gold jewels, cash, gift articles, 2 two-wheeler including the wife's two-wheeler, which was presented by the petitioner, from his house. Therefore, he made a complaint dated



CrI.R.C.No.714 of 2024

WEB COPY

06.09.2023 before the respondent police. Since the respondent police has not taken any action, the petitioner has made a complaint before the Commissioner of Police, Avadi on 03.10.2023. Even then, no action has been taken by the police, thereby, the petitioner has filed a petition u/s 156(3) of Cr.P.C. in CrI.M.P.No.1334 of 2024 before the Judicial Magistrate, Sriperumbudur and the same was dismissed by the trial court vide impugned order dated 18.03.2024. Aggrieved by the same, the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that though the petitioner has made complaint before the respondent police and Commissioner of Police, Avadi, the same has not been considered, thereby the petitioner has filed a petition u/s 156(3) of Cr.P.C. before the trial court, however, the trial court dismissed the same vide impugned order, which is wholly unsustainable. Accordingly, he prays for allowing the revision.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that, the petitioner made allegations as against



CrI.R.C.No.714 of 2024

WEB COPY

the in-laws and on verification, it is found that the petitioner's wife committed suicide due to the harassment made by the mother of the petitioner. Further, on instructions, he submitted that initially complaint was made before the law enforcing agency and the law enforcing agency conducted investigation in which, it is found that all the gold jewels belonging to the deceased wife of the petitioner and in fact, the parents of the deceased wife purchased a car in the name of the deceased and the same is still in the possession of the petitioner. Therefore, the respondent police has not taken any further action in the complaint made by the petitioner. Accordingly, he prays for dismissal of the revision.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondent and also perused the materials available on record.

6. A perusal of the entire papers including the impugned order passed by the trial court reveals that the petitioner has made allegations as against the in-laws that they have stolen the gold jewels and two-wheeler from the petitioner's house, however, he has not averred any details viz.,



Crl.R.C.No.714 of 2024

WEB COPY

date of occurrence and description of the jewels which were stolen by them in his complaint or placed any documents before the trial court to prove his allegations. In the absence of any material documents with regard to the allegations made by the petitioner against the parents and sister of the deceased wife, the trial court cannot entertain the petition filed by the petitioner, thereby, the trial has dismissed the petition filed by the petitioner u/s 156(3) in Crl.M.P.No.1334 of 2024 vide order dated 18.03.2024, which cannot be said to be perverse or unreasonable. Therefore, this Court is not inclined to interfere with the impugned order passed by the trial court.

7. Accordingly, the Criminal Revision Case is dismissed.

24.04.2024

Index : Yes/No
Speaking order / Non-speaking order
NCC : Yes/No
sp



WEB COPY



Crl.R.C.No.714 of 2024

M.DHANDAPANI, J.

sp

To

- 1.The Judicial Magistrate, Sriperumpudur, Kancheepuram District.
- 2.The Inspector of Police, Mangadu Police Station, Kancheepuram District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.

Crl.R.C.No.714 of 2024

24.04.2024