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Crl.R.C.No.539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.539 of 2024

Reshma Begum

... Petitioner

Vs.

1. The Commissioner of Police,
Tirupur.
2. The Inspector of Police,
North All Women Police Station,
Town Hall, Kumaran Road, Tirupur.
3. Mohammed Sirajudeen
S/o.Mohammed Rafiudeen
4. Mohammed Rafiudeen
S/o. Not known
5. Mehar Nisha
W/o.Mohammed Rafiudeen

...

Respondents

PRAYER : Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C., to set aside the order in Crl.M.P.No.5273 of 2023, dated 12.05.2023 passed by the learned Judicial Magistrate Additional Mahila Court, Tiruppur.



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For Petitioner : Mr.C.Nithiyanandam
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1 and R2

ORDER

The criminal revision is filed, challenging the order, dated 12.05.2023 passed in Crl.M.P.No.5273 of 2023 by the learned Judicial Magistrate Additional Mahila Court, Tiruppur.

2. It is the case of the petitioner that the petitioner is the wife and the third respondent is the husband. The marriage between the petitioner and the third respondent was solemnized on 27.02.2020. The petitioner and the third respondent lived happily for a very short period. Ever since the marriage, the respondents 3 to 5 are pestering her to bring more money from the parental home. The third respondent / husband did not treat the petitioner properly and was driven to her parental abode. Furthermore, the third respondent without the consent of the petitioner and the decree of divorce, married another girl, namely, Sajitha and they were blessed one girl child. Thereby, the petitioner has approached the second respondent Police



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to lodge a complaint against the third respondent and his parents, who are the respondents 4 and 5 herein and CSR was also issued on 15.12.2022, however, the second respondent Police has not registered FIR against them, therefore, the petitioner has forwarded the complaint to the first respondent on 16.02.2023. Since no effective steps have been taken by the respondent Police, the petitioner has filed a petition in Crl.M.P.No.5273 of 2023 before the learned Additional Mahila Court, Tiruppur and it was dismissed vide impugned order dated 12.05.2023 on the ground that the Police is acting according with the judgment of the Hon'ble Supreme Court in Lalitha Kumari's case, and it is also a family dispute. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction either to the trial Court or the second respondent to conduct an investigation and register FIR against the respondents 3 to 5.



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4. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the CSR was issued on 15.12.2022 and the same was closed on 16.12.2022.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2.

6. From the facts narrated in the affidavit filed in support of this petition, it is clear that the third respondent has performed second marriage with one Sajitha when the first marriage with the petitioner herein was subsisting and that, the petitioner has lodged a complaint before the respondent Police against the respondents 3 to 5. The CSR was issued on 15.12.2022 and the same was closed on 16.12.2022.



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7. Considering the facts and circumstances of the case, this Court is of the view that, once the CSR was closed, if still the petitioner is aggrieved, the only remedy open to the petitioner is to file a private complaint under Sections 156(3) or 200 Cr.P.C or 223 of BNSS Act before the concerned forum. Instead of filing the private complaint, the petitioner has approached this Court by filing a civil revision petition, which is not sustainable one. Therefore, liberty is granted to the petitioner to workout her remedy either under Section 200 Cr.P.C. or 223 of BNSS Act before the concerned Court in the manner known to law.

8. Accordingly, this Criminal Revision Case is dismissed.

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The Judicial Magistrate Additional Mahila Court,
Tiruppur.
2. The Commissioner of Police,
Tiruppur.
3. The Inspector of Police,
North All Women Police Station,
Town Hall, Kumaran Road,
Tiruppur.
4. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

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