



Crl.O.P.(MD) No.4676 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.4676 of 2024

Revathy Selvi,

... Petitioner

Vs

1. Pitchai Asari,
2. Pappa,
3. Kanagavalli,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the impugned return docket order passed by District Munsif Court, Virudhunagar, dated 04.01.2024 as illegal and consequently number the petition filed by the petitioner.

For Petitioner : Mr.G.Karuppasamy Pandiyan

ORDER

The learned Counsel appearing for the Petitioner would submit that the Petitioner/5th Defendant in O.S.No.95 of 2010 had insisted the learned District Munsif, Virudhunagar to permit her to prosecute the Respondents



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herein for perjury which an offence described in IPC. The request of the learned Counsel for the 5th Defendant in O.S.No.95 of 2010 (Petitioner herein) before the learned District Munsif, Virudhunagar was not considered. The learned District Munsif, Virudhunagar returned the papers with 5 queries. The learned Counsel for the 5th Defendant in O.S.No.95 of 2010 (Petitioner herein) had answered to the queries also. Still, the learned District Munsif, Virudhunagar refused to entertain the Petition.

2. Aggrieved by the same, the Petitioner who is the 5th Defendant had approached this Court seeking direction to the learned District Munsif, Virudhunagar to conduct enquiry regarding perjury. The Registry of this Court refused to number this Petition in CrI.O.P.(MD) SR.No.4792 of 2024. Therefore, this Petition was posted before this Court for clarification by the learned Counsel for the Petitioner.

3. The learned Counsel for the Petitioner would submit that the Court as mentioned in Section 195(3) of Cr.P.C. includes the Civil Court also, but, the learned District Munsif failed to consider the request of the learned Counsel for the 5th Defendant in O.S.No.95 of 2010 (Petitioner herein). It is



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the further contention of the learned Counsel for the Petitioner that as per Section 304 of Cr.P.C., the learned District Munsif shall record the findings regarding perjury committed by a witness before the Court of District Munsif. The learned District Munsif himself or herself shall forward the findings to the learned Judicial Magistrate having jurisdiction.

4.Considering the submissions made by the learned Counsel appearing for the Petitioner, the learned District Munsif, Virudhunagar is directed to hold enquiry regarding allegations of perjury made against the witness by the fifth defendant in O.S.No.95 of 2010, on the file of the learned District Munsif, Virudhunagar and follow the procedures as in Section 195 and 340 of Cr.P.C. If on such finding, the learned District Munsif, Virudhunagar, arrive at a conclusion that there was perjury committed by the witness as alleged by the fifth defendant, the enquiry report may be forwarded by the learned District Munsif, Virudhunagar to the jurisdictional Magistrate, who has jurisdiction over the very same area as of the territorial jurisdiction of the District Munsif concerned. While conducting enquiry, the learned District Munsif shall issue notice to the plaintiff in the suit as well as the witness. Enquiry may be conducted within



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a period of two months from the date of receipt of a copy of this order.

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5. With the above direction, this criminal original petition is disposed of.

22.03.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No

LR

To

1. The District Munsif Court, Virudhunagar.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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