



Crl.R.C.(MD)No.712 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.712 of 2024
and
Crl.M.P.(MD)No.7389 of 2024

K.Prakash

... Revision Petitioner/1st accused

Vs.

1.Swathi

... Respondent/petitioner

2.The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.2/2020)

... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C. to call for the records and set aside the order passed by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur in Cr.M.P.No.962 of 2023 in C.C.No.110 of 2020 dated 16.02.2024 and allow the revision petition.

For Petitioner : Mr.N.Mohideen Basha

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl. Side) for R2

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ORDER

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The Criminal Revision Case has been filed to set aside the order passed by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur in Cr.M.P.No.962 of 2023 in C.C.No.110 of 2020 dated 16.02.2024.

2.The case of the prosecution is that on 26.08.2013, the marriage between the defacto complainant and accused was solemnized and that accused has left the defacto complainant in her parent's house and that the accused filed the divorce petition in H.M.O.P.No:93 of 2018 before the Subordinate Court, Kumbakonam and that the accused developed illegal intimacy with one Ramya and he started living with said Ramya from September, 2019 to November, 2019 and that on 20-12-2019, the accused, his mother and his brother demanded Rs.10,00,000/- from the defacto complainant to settle to Ramya and since the defacto complainant refused to give Rs.10,00,000/- the accused attacked the defacto complainant and asked her to get out of the house. On 21.12.2019, Ramya and her mother came to defacto complainant's house and abused and intimidated her. Thereafter, a complaint was lodged before the respondent police and the case was registered under Sections 147, 498(A), 323, 506(1) of IPC, Section 4 of TNPWH Act and Section 4 of Dowry Prohibition Act.



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3.After the investigation, the second respondent filed a final report for the alleged offences under Sections 147, 498(A), 323, 506(i), 494, 294(b), 109 and 354 of IPC and Section 4 of TNPWH Act and Section 4 of Dowry Prohibition Act and the same was taken cognizance in C.C. No.110 of 2020 by the Learned District Munsif Cum Judicial Magistrate Court, Thiruvidadaimaruthur for the alleged offences under Sections 147, 294(b), 354, 494, 498(A) and 506(1) of IPC and Section 4 of Dowry Prohibition Act.

4.During the pendency of trial, the learned trial Judge allowed CrI.M.P.No. 962 of 2023 dated 16.02.2024 filed by the defacto complainant for further investigation. Aggrieved over the same, the present criminal revision case has been filed.

5.The learned Counsel appearing for the petitioner submits that the impugned order passed by the trial Court is illegal and the same is liable to be set aside.



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6.The learned Government Advocate for the respondent submits that the impugned order was passed upon perusal of the infirmity committed by the investigating agency and also considering the lapse found on the part the investigating agency.

7.This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record and the impugned order passed by the Court below.

8.The petitioner is the accused in C.C.No.110 of 2020 and the petitioner and other accused have committed the offence under Sections 147, 294(b), 354, 494, 498(A) and 506(1) of IPC and Section 4 of Dowry Prohibition Act. During the pendency of the trial, the defacto complainant filed a petition to conduct further investigation and the same was allowed considering the interest of justice and to avoid the miscarriage of justice, vide impugned order dated 16.02.2024 in Cr.M.P.No.962 of 2024. Challenging the same, the petitioner has filed this revision. The accused has no right to challenge the further investigation order. The learned trial Judge has allowed the petition in order to conduct fair investigation. Therefore, this Court finds no reason to interfere with the finding



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of the learned trial Judge in allowing the further investigation on the petition filed by the complainant.

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9. Accordingly, this Criminal revision case stands dismissed and the order passed in Cr.M.P.No.962 of 2023 in C.C.No.110 of 2020 by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, dated 16.02.2024, is hereby confirmed. Consequently, connected miscellaneous petition is closed.

25.07.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
RJR/*sbn*



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- 1.The learned District Munsif cum Judicial Magistrate,
Thiruvudaimaruthur.
- 2.The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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