



Crl.O.P.(MD)No.15168 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15168 of 2024

Sanitha

: Petitioner

Vs.

1.Nazeer Khan

2.Salma Beevi

3.Rumana

4.Sameer (President)
Allumoodu Muslim jamath,
Patthukani.

5.Kathar (President)
Manakadu Valiya Palli Muslim Jamath,
Thiruvananthapuram, Kerala.

6.Pathrutheen,
Pudhuvilai Puthan Veedu,
Manickavilagam, Poonthurai Post,
Thiruvananthapuram.

7.Sihabutheen

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to set aside the docket order and direct the learned Judicial



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Magistrate No.II, Kuzhithurai to take the petitioner's complaint filed under Section 200 of Cr.P.C on file and to number the C.M.P.No.SR 3285 of 2024 and dispose of the same within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

ORDER

This Criminal Original Petition is directed against the order of return, dated 25.07.2024 by the learned Judicial Magistrate No.II, Kuzhithurai, raising a query as to how the private complaint is maintainable.

2. The learned counsel for the petitioner would submit that the petitioner/defacto complainant has filed a private complaint under Section 200 Cr.P.C., against her husband and in-laws alleging that they have demanded more dowry; that they have attacked her and caused injuries; that her husband has entered into another marriage without her knowledge and consent and that they are causing criminal intimidation, but the learned Magistrate, by raising a query as to how the Muslim girl has filed a complaint against her husband under Section 494 IPC, has not entertained the same.



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3. As rightly pointed out by the learned counsel for the petitioner, the defacto complainant has raised necessary averments with regard to the other offences and not only for the offence under Section 494 IPC.

4. Considering the above, the impugned order of return cannot legally be sustained and the learned Magistrate is directed to entertain the complaint and proceed in accordance with law.

5. With the above direction, this Criminal Original Petition stands disposed of.

10.09.2024

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

To

The Judicial Magistrate No.II,
Kuzhithurai.



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K.MURALI SHANKAR,J.

das

Order made in
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