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Crl.RC.(MD)No.



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.09.2024

Pronounced on : .10.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.RC.(MD)No.899 of 2024

Maria Christy

... Petitioner

Vs.

1.The Inspector of Police,
Tuticorin South Police Station,
Tuticorin District.

2.Nivetha
3.Terans
4.Medona
5.Libarda
6.Thomas

... Respondents

Prayer : This Criminal Revision Case filed under Section 438 & 442 BNSS, to call for the records pertaining to the order passed in Crl.M.P.No.13172 of 2024 on the file of the learned Judicial Magistrate No.I, Tuticorin and set aside the same.

For Petitioner : Mr.G.Aravinthan

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate(Crl.side)



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ORDER

This criminal revision case is directed against the order passed in Crl.M.P.No. 13172 of 2024 on the file of the learned Judicial Magistrate No.I, Tuticorin dismissing the petition filed under Section 156(3) Cr.P.C.

2.The case of the petitioner is that her younger son namely Deco married the second respondent on 16.09.2020 and he is working in abroad, that the second respondent has been residing with the petitioner, that the petitioner is the heart patient and pacemaker was fixed in the year 2016 and she has been taking treatment at Madurai Velammal Hospital till 07.11.2023, that the second respondent without informing the petitioner, left the matrimonial home and went to her parental home, that when the same was questioned by the petitioner, the second respondent left the matrimonial home permanently and used to come matrimonial home and take her things often, that on 18.03.2024, at about 11.00 am., the second respondent along with fifth and sixth respondents came to the house of the petitioner and taken her things and at that time, the petitioner asked her to take all her articles at one time and not to disturb her by her frequent visits, that the second respondent immediately informed about the incident to her parents and they came to the house of the petitioner and abused her in filthy



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language, that when the same was questioned by the petitioner's husband, the third respondent tried to attack him, when the petitioner intervened, the third respondent attacked her on her chest, that the fourth respondent pushed her and as a result of which, the petitioner got fainted, that the accused persons came out of the house and abused them in filthy language by standing on the road, that the petitioner's husband called Ambulance over phone and the petitioner was immediately taken to the Government Hospital and later she was transferred to Tuticorin Thuya Iruthaya Hospital for further treatment, that though the petitioner preferred complaint before the first respondent on 21.03.2024, they have not taken any action, that the petitioner had then sent a representation to the superior officials on 22.05.2024, but there is no action and that therefore, the petitioner was constrained to file a petition under Section 156(3) Cr.P.C. before the jurisdictional Magistrate Court seeking direction for registration of FIR and further action.

3.The learned Judicial Magistrate by simply observing that the petitioner's affidavit and documents filed along with petition does not disclose any cognizable offence, dismissed the petition. Challenging the dismissal order, the present revision came to be filed.



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4.The petitioner has produced discharge summary issued by Sacred Heart Hospital, Thoothukudi, Accident Register extract given by Thoothukudi Government Medical College Hospital and Scan Report along with petition filed under Section 156(3) Cr.P.C. Moreover, the petitioner has also produced call history to show that the petitioner's husband had contacted emergency numbers ie., 100 and 108 on the date of occurrence, copy of the complaint sent to the jurisdictional Police Station and receipt issued by them and copy of the complaint sent to the Superintendent of Police and postal acknowledgment.

5.As rightly pointed out by the learned counsel appearing for the petitioner, it is evident from Accident Register extracts issued by the Thoothukudi Government Medical College Hospital that the petitioner visited the said hospital on 18.03.2024 at about 12.10 pm., alleging that she was assaulted by five accused persons, in her house and complaining chest pain and back pain.

6.In the Accident Register, it is further stated that she was found in drowsy condition and her blood pressure was 180/100. More over in the discharge summary issued by Sacred Heart Hospital, Thoothukudi, it has been stated that the petitioner was admitted on 18.03.2024 complaining of chest pain and headache as she was assaulted



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on 18.03.2024 around 11.00 am., and she was given inpatient treatment. It is further evident that the petitioner was discharged on 23.04.2024. Moreover, it has been stated that the petitioner is having type 2 diabetes mellitus / coronary artery disease / depression.

7.As rightly pointed out by the learned counsel appearing for the petitioner, the petitioner in her affidavit and petition filed under Section 156(3) Cr.P.C., she has specifically alleged that she was attacked by the accused and as a result of which, she suffered injuries and they had abused her and her husband in filthy language.

8.As rightly pointed out, when the complaint given by the petitioner before the concerned Police discloses cognizable offence, this Court is at loss to understand as to how the said Police officials as well as the Superintendent of Police have not taken any action on the basis of the complaint. Though the petitioner has produced medical records along with her petition, the learned Magistrate without considering the above in proper perspective and without assigning any reasons, by simply observing that the petitioner's complaint and other records, does not disclose cognizable offence, dismissed the petition.



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9.Considering the above, this Court has no hesitation to hold that the impugned order dismissing the petition filed under Section 156(3) Cr.P.c., cannot legally be sustained and the same is liable to be set aside.

10.In the result, this criminal revision case is allowed and the order passed in Crl.M.P.No.13172 of 2024 dated 22.07.2024 is hereby set aside. The learned Judicial Magistrate No.I, Tuticorin is directed to forward the petition filed by the petitioner under Section 156(3) Cr.P.C., to the jurisdictional Police Station and the concerned Police is directed to register FIR and conduct investigation and to file the final report, as expeditiously as possible, in accordance with law, before the jurisdictional Court.

.10.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
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- To
- 1.The Judicial Magistrate No.I, Tuticorin
 - 2.The Inspector of Police,
Tuticorin South Police Station,
Tuticorin District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Order made in
Crl.RC.(MD)No.899 of 2024

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