



WEB COPY

CRL RC No. 107 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRL RC No. 107 of 2024
AND
CRL MP NO. 882 OF 2024**

1. Murugesan
S/O.Nanjappan

2.Thilagavathi
W/o.Murugesan, Both residing at H-89,
5th Main road, Periyar Nagar, Erode -
638 001.

3.Jeyaprakash
S/o.Murugesan, Residing at Both
residing at H-89, 5th Main road, Periyar
Nagar, Erode - 638 001.

4.Geetha
W/o.Chandra, Residing at 23/60,
Chithambaram Colony, Erode - 638
001.

Petitioner(s)

Vs

1. The State rep
The Sub-Inspector of Police, AWPS
Kodalampatti, Salem.

2.Malathi
D/o M Masilamani Door No 3/165 V O
C Nagar K N Colony Post Ammapet
Salem Town Salem -636014(r2
Impleaded As Per Order Dt 29/01/2024
In Crl Rc No 107/2024)



Respondent(s)

CRL RC No. 107 of 2024

PRAYER

To call for the records and to set aside the order passed in CrI.MP.915/2018 dated 25.9.2023 in CC.No.39/2013 passed by the learned Additional Mahila Court, Salem.

CRL RC No. 107 of 2024

For Petitioner(s): Mr. V. Karthick, Senior counsel
for
Adithya Varadarajan
R.Deepak
C.S.Jeeva Kuralamudhu
Affidavit Of Service Filed

For Respondent(s): Dr.C.E. Pratap,
Government Advocate Criminal
side For R1
B.Vasudevan
A.Sumithra-ms/244/2009
Counsel For R2
Mediation Report Received File
No.1427/25 Dt.28.10.25

ORDER

This Criminal Revision Case has been filed to call for the records and to set aside the order passed in CrI.MP.915/2018 dated 25.9.2023 in CC.No.39/2013 passed by the learned Additional Mahila Court, Salem.

2. The brief facts of the case:

The first respondent police filed the petition under Section 319 Cr.P.C to implead the deleted accused A2 to A5 in the case and the same was objected by the petitioner herein. On hearing both sides, the Trial Court held that there is prima facie case made out against A2 to A5 and accordingly



allowed the petition and issued summons to A2 to A5 for appearance.

Aggrieved thereof, the petitioners filed the present Revision Case.

3. The learned counsel for the petitioners submit that the Trial Court mechanically allowed the petition filed under Section 319 Cr.P.C without any materials available on record. Further there was no progress in Trial and no new additional material was collected during the course of trial, warranting the inclusion of the petitioners as accused under section 319 Cr.P.C and also the respondent filed the present complaint as counter blast to the petition filed by A1 against the defacto complainant praying for relief of the restitution of conjugal rights in HMOP No. 93 of 2008 on the file of the Sub court, Erode. Further, the the Trial Court failed to consider the fact that the petition filed by the respondent under Section 319 Cr.P.C is not based on any material but based on a wrong interpretation of the order passed by this Court in earlier Criminal Revision. Hence, without any material the petitioner filed the said petition to implead the petitioners as accused and the same was allowed as such is erroneous and liable to be set aside. Further, the petitioners are in-laws of the complainant and no way connected with the alleged offence. Hence, he prays to allow this Criminal Revision Case.

4. The learned counsel for the respondents submit that the Trial Court rightly passed the order which needs no interference.



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5. Heard both sides.

6. A perusal of the records reveals that on 14.07.2008, an FIR was registered against five persons based on a complaint by the de facto complainant. A1 is the husband of the complainant, and the others are her in-laws. In the FIR, the complainant stated that the accused persons had harassed her since the date of her marriage on 01.09.2004. She specifically alleged that her in-laws attempted to abort her child by administering Ayurvedic medicine and further noted that they demanded dowry. Although the FIR contained allegations against all the in-laws, the final report was strangely filed only against the husband/A1 under Section 498-A of the IPC, omitting the other accused persons/petitioners herein. Subsequently, the second respondent filed a petition under Section 319 of the Cr.P.C. to try the case along with petitioners, asserting that there is prima facie material against them. Upon considering the circumstances and the records, the Trial Court allowed the said petition. The learned counsel for the petitioners argued that since the respondent police had deleted the petitioners' names while filing the final report, the Trial Court added the petitioners without additional material. However, as the FIR clearly narrates the harassment committed by the petitioners, they are necessary parties to try the case. This fact was rightly appreciated by the Trial Court and requires no interference. The petitioners are at liberty to raise all defences before the Trial Court. Furthermore, the Trial Court is directed to complete the trial within six



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

7. In the result, this Criminal Revision Case is dismissed. Pending petition, if any, is/are closed.

04-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional Mahila Court, Salem.
2. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.
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