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Crl.R.C.No.564 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 564 of 2025
and
Crl.M.P.No.8501 of 2025

P.S.Vishnupriya

... Petitioner

..VS..

The State Represented by
The Inspector of Police,
All Women Police Station – East,
Coimbatore East,
Crime No.79 of 2022.

... Respondent

Criminal Revision Petition filed under Sections 438 read with 442 of BNSS, 2023/ 397 read with 401 Cr.P.C., to call for the records and set aside the order dated 12.03.2025 passed in Crl.M.P.No.30948 of 2023 passed by the learned Additional Mahila Court, Coimbatore in C.C.No.660 of 2025 pending on the file of the learned Additional Mahila Court, Coimbatore.

For Petitioner : Mrs.A.L.Gandhimathi
Senior Counsel for
Mr.A.Saravanan



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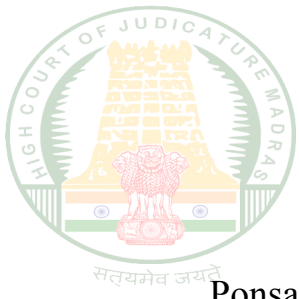
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For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is preferred against the order dated 12.03.2025 passed in Crl.M.P.No.30948 of 2023 in C.C.No.660 of 2025 by the Judicial Magistrate, Additional Mahila Court, Coimbatore.

2. Learned Senior Counsel appearing for the petitioner submitted that the petitioner/*de-facto* complainant lodged a compliant before the respondent-Police against her husband and others alleging that there is a dowry and sexual harassment against her. However, the respondent-Police did not respond to the said complaint and that she preferred a private complaint under Section 156(3) Cr.P.C. before the Court below, seeking to register the FIR. Thereafter, the case was registered in Crime No.79 of 2022 for the offences punishable under Sections 498(A), 406 and 377 read with 511 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act as against five accused persons. After completion of investigation, the investigating officer filed a final report as against four accused persons and deleted the accused, namely

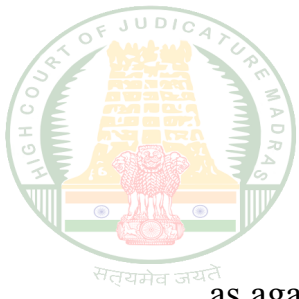


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Ponsankar in the final report. She further submitted that the proposed accused, namely Ponsankar, had also committed sexual abuse to the complainant, even though in the FIR and Statement recorded from the complainant under Section 161(3) Cr.P.C., she has deliberately described the involvement of A5 also in the alleged offences. However, the respondent-Police, failed to conduct thorough inquiry and filed the final report without impleading the proposed accused, namely Ponsankar as an accused. Therefore, the petitioner filed a protest petition in Crl.M.P.No.30948 of 2023 before the Judicial Magistrate, Additional Mahila Court, Coimbatore, seeking a direction for further investigation by the other investigating agency. The learned Magistrate failed to consider the allegations and materials available against the proposed accused, *vide* order dated 12.03.2025 and dismissed the petition holding that there is no *prima facie* evidence regarding commission of offences by the proposed accused.

3. Learned Additional Public Prosecutor appearing for the respondent-Police fairly conceded that *prima facie* there are allegations



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as against the proposed accused in the alleged commission of offences.

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4. Heard both sides and perused the materials available on record.

5. On a perusal of the entire materials, particularly the F.I.R., and the statement recorded under Section 161 Cr.P.C., from the list of witnesses, this Court finds that *prima facie*, there are allegations and materials available to implead the proposed accused as an accused in the case, therefore, the impugned order dated 12.03.2025 passed in Crl.M.P.No.30948 of 2023 passed by the Judicial Magistrate, Additional Mahila Court, Coimbatore, is hereby set aside. The learned Magistrate is directed to implead the proposed accused also as one of the accused in the case and proceed the case further on merits and in accordance with law.

6. With the above directions, this Criminal Revision Petition is allowed. Consequently, connected miscellaneous petition is closed.

22.04.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Judicial Magistrate,
Additional Mahila Court,
Coimbatore.
2. The Inspector of Police,
All Women Police Station – East,
Coimbatore East.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

ms

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