



Crl.R.C.No.1251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1251 of 2023

S.S.Chandiran

... Petitioner

Vs.

1. The Station House Officer
Taluk Police Station
Thiruvarur

2. Kumar

3. Saranya

... Respondents

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Thiruvarur in Cr.M.P.No.1468 of 2022, dated 29.05.2023 and set aside the same and consequently, direct the learned Magistrate to entertain and allow the petitioner's application filed in terms of Section 156(3) of Cr.P.C. with a direction to the 1st respondent police for registration of FIR.



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For Petitioner	: Mr.N.Pragasam
For 1 st Respondent	: Mr.S.Sugendran Additional Public Prosecutor
For Respondents 2 and 3	: Mr.R.Ezhilarasan

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order passed by the Judicial Magistrate, Thiruvarur in Cr.M.P.No.1468 of 2022, dated 29.05.2023 and consequently, direct the learned Magistrate to entertain and allow the petitioner's application filed under Section 156(3) of Cr.P.C. with a direction to the 1st respondent police for registration of FIR.

2. The case of the petitioner is that the 3rd respondent is the wife of the petitioner's son and the 2nd respondent is the father of the 3rd respondent. The marriage between the son of petitioner and the 3rd respondent took place on 15.09.2016. Thereafter, on 15.02.2020, due to matrimonial dispute, the 3rd respondent left the matrimonial home and was staying in her parents house and refused to come back to the matrimonial home despite several requests were



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made. Therefore, the petitioner's son filed a petition before the Subordinate

Court, Tiruvarur, in H.M.O.P. No.21 of 2020 for restitution of conjugal right

and the same was transferred to the II Additional Family Court, Chennai and

re-numbered as H.M.O.P. No.222 of 2020 based on the petition for transfer

filed by the 3rd respondent in Tr.C.M.P. No.413 of 2020. Pending restitution

petition, the 3rd respondent filed a petition for divorce in H.M.O.P. No.2740 of

2020 before the III Additional Family Court, Chennai in which, she also filed

an interlocutory application in I.A.No.1 of 2020 for return of Seedhana articles

along with a document dated 17.09.2016 containing list of jewels weighing

63¼ sovereigns as if, the petitioner and his son had signed the document and

the said petition was allowed by order dated 29.03.2022. Subsequently, on

03.07.2022, the respondents 2 and 3 along with two other persons, came to the

petitioner's residence and stood outside and abused him filthy language and

also threatened with dire consequences to return the 63¼ sovereigns of jewels

as per the order of the Court. Since, the petitioner had not received any jewels



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as stated by the respondents 2 and 3, the petitioner lodged a complaint before the 1st respondent police and also to the Superintendent of Police and since no action was taken, the petitioner filed a petition under Section 156(3) Crl.P.C. before the Judicial Magistrate, Thiruvarur in Cr.M.P.No.1468 of 2022 seeking direction to the 1st respondent police to register FIR, but the same was dismissed by order dated 29.05.2023. Hence, challenging the same, the present revision is filed.

3. The learned counsel for the petitioner submitted that neither the petitioner nor his son signed the said document and that their signatures have been forged by the respondents 2 and 3. Therefore, the petitioner filed a complaint before the Magistrate invoking Section 156(3) Cr.P.C., but the learned Magistrate failed to consider the serious nature of offence and also the prima facie allegations and dismissed the petition.

4. Heard and perused the materials available on record.

5. It is seen that the the alleged forged document has been introduced in



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some other proceedings viz., the matrimonial proceedings in I.A.No.1 of 2020

in H.M.O.P.No.2740 of 2020 and the competent Family Court, by considering the materials, has partly allowed the interlocutory application directing the son of the petitioner to return the Seethana articles. The learned counsel for the petitioner states that the said order was challenged, but he lost it and thereafter, he did not challenge further. However, the petitioner is not a party to the matrimonial proceedings in I.A.No.1 of 2020 in H.M.O.P.No.2740 of 2020 filed by the 3rd respondent against the son of the petitioner herein.

6. If at all the said document has been forged, on the side of the petitioner, they ought to have taken steps in the matrimonial proceedings to send the disputed signature to the forensic lab along with admitted signature with contemporary documents, but they failed to take steps in the matrimonial proceedings. Therefore, the learned Magistrate rightly dismissed the petition filed under Section 156(3) Cr.P.C. on the ground that no prima facie case was made out. This Court does not find any reason to interfere with the order of the



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Magistrate and there is no merit in this revision.

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7. Accordingly, this Criminal Revision case is dismissed.

8. However, the petitioner is at liberty to work out his remedy in the manner known to law before the competent Court.

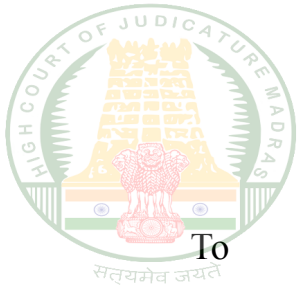
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate,
Thiruvavarur
2. The Station House Officer
Taluk Police Station
Thiruvavarur
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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