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Crl.R.C No.1426 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.08.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C No.1426 of 2025

and

Crl.M.P No.15519 & 15520 of 2025

M.Leelavathi

... Petitioner

..Vs.

State of Tamil Nadu
represented by its Inspector of Police
Central Crime Branch Police Station
Salem City.

... Respondent

Prayer: This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS Act, to set aside the order dated 17.07.2025 passed in the discharge petition in Crl.M.P No.4434 of 2024 by the Judicial Magistrate No.II, Salem.

For Petitioner : Mr.M.L.Joseph
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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This revision has been filed as against the order passed in Crl.M.P No.4434 of 2024 in C.C No.522 of 2024, by the Judicial Magistrate No.II, Salem, dated 17.07.2025, thereby dismissed the discharge petition.

2. There are totally two accused, in which the petitioner is arrayed as 2nd accused. The case of the prosecution is that the de-facto complainant's son got married with one Pavithra. There was misunderstanding between them and due to which, they got separated and living separately. In order to negotiate their issues, the petitioner and her husband visited the complainant's daughter-in-law's house. Thereafter, they informed that she agreed for divorce on the ground of mutual consent on receipt of Rs.25,00,000/- as permanent alimony. On the basis of assurance given by the petitioner and her husband, a sum of Rs.25,00,000/- was paid through RTGS to the account of the first accused. In turn, they made it as fixed deposit and availed a loan to the said amount. On enquiry, it was found that the de-facto complainant's daughter-in-law never agreed for any mutual consent and permanent alimony. On receipt of the said complaint, the respondent registered a



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case in Crime No.2 of 2021 for the offences under Sections 406, 420, 506(i) of IPC read with 109 IPC. After completion of investigation, the respondent filed a final report and the same was taken cognizance in C.C No.522 of 2024 on the file of the Judicial Magistrate No.II, Salem. While pending trial, the petitioner/2nd accused filed a discharge petition and the same was dismissed. Aggrieved by the same, the present revision is filed.

3.The learned counsel for the petitioner would submit that for the very same allegation, the complainant's son lodged a complaint, in which the petitioner's name was not mentioned. Her husband's name was only mentioned as if he assured to settle the marriage dispute between the complainant's son and daughter-in-law and she agreed for divorce on the ground of mutual consent on receipt of Rs.25,00,000/- as permanent alimony. In fact, in the complaint lodged by the de-facto complainant's son, C.S.R No.1679 of 2020 was issued to him as part and parcel of the charge-sheet. But, the de-facto complainant Thiruvengadam lodged a complaint for the very same set of allegations including the petitioner's name, as if both the husband and wife went to the house of the complainant's daughter-in-law and made negotiations. Therefore, it is



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only an afterthought and as such, the de-facto complainant included the petitioner as an accused. The petitioner has nothing to do with the first accused. In fact, she insisted her husband not to go for any settlement. It was mentioned in the complaint lodged by the de-facto complainant's son. However, without considering the above facts and circumstances, the trial Court had dismissed the discharge petition.

4. Per contra, the learned Additional Public Prosecutor submitted that in support of the complaint, the respondent examined four persons namely, husband, wife and two sons and they stated that the petitioner and her husband were actively involved in the offence and cheated to the tune of Rs.25,00,000/-. In fact, after depositing the said amount into their account, they availed a loan and thereby, cheated the de-facto complainant. Their statements are very clear and there are incriminating evidences to frame charges as against the petitioner for the offences under Sections, 406, 420 r/w 120-B read with 109 of IPC.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. A perusal of the statement of the defacto complainant and



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other witnesses reveals that there are specific allegations against the petitioner, since she had also actively involved in the dispute between the husband and wife and cheated the de-facto complainant to the tune of Rs.25,00,000/-. Hence, the Trial Court had rightly dismissed the application seeking discharge of the petitioner from the said charges.

7. In view of the above, this Court finds no infirmity or illegality in the order dated 17.07.2025 passed in Crl.M.P.No.4434 of 2024 in C.C.No.522 of 2024, by the learned Judicial Magistrate No.II, Salem. However, the personal appearance of the petitioner before the Trial Court is dispensed with and she shall be permitted to be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing copies, framing of charges, questioning under Section 351 of BNSS and at the time of passing judgment. Further, the trial Court is directed to dispose the case in C.C No.522 of 2024 within a period of six months from the date of receipt of a copy of this order.

G.K.ILANTHIRAIYAN,J
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8. In the result, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petitions are closed

13.08.2025

Index: Yes/No
Internet: Yes/No
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To

- 1.The Judicial Magistrate No.II, Salem.
- 2.The Inspector of Police
Central Crime Branch Police Station
Salem City.
- 3.The Public Prosecutor
High Court of Madras.

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