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CRL RC No. 1705 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRL RC No.1705 of 2025
and Crl.M.P.No.17376 of 2025**

1.Saraswathy
2.P.Shermila
3.Singaravelan
4.Lakshmi

Petitioners

Vs

1.L.Chidambara Venkatesh
2.The State. Rep. By Inspector of
Police
Kodungaiyur P6 Police Station
Kodungaiyur
Chennai-600 118

De-facto complainant/1st respondent
2nd respondent.

Prayer: Criminal Revision Case filed under Section 442 of BNSS praying to set aside the order passed in Crl.M.P.No.2609 of 2025 dated 16.04.2025 on the file of the learned X Metropolitan Magistrate, Egmore, Chennai.

For Petitioners: Mr.R.Natarajan

For Respondent: No appearance

ORDER

This Criminal Revision Case has been filed praying to set aside the order passed by the learned Magistrate in Crl.M.P.No.2609 of 2025 dated 16.04.2025.



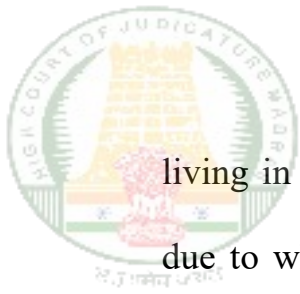
2. (a) The 1st petitioner is the mother of the second petitioner; 3rd petitioner and 4th petitioner are her uncle and aunt. On behalf of all, the 2nd petitioner has preferred this revision. The 1st respondent herein is her husband.

(b) The learned Magistrate, in CrI.M.P.No.2609 of 2025, by order dated 16.04.2025, directed the 2nd respondent to register the FIR against all the petitioners based upon the complaint given by the defacto complainant/1st respondent herein. Aggrieved over the said order passed by the learned Magistrate, this Criminal Revision has been filed.

3. The learned counsel for the revision petitioners submits that the learned Magistrate has mechanically passed the order without applying his judicial mind and prayed to set aside the same.

4. The brief facts of the case:-

(i) The 2nd petitioner herein is a practising advocate. The 1st respondent is also an Advocate by profession and both got married on 22.05.2023 and started their matrimonial life at Chennai. But soon after the marriage, harassment started by her in-laws in Chennai itself and they also physically attacked her and verbally abused her and caused all sorts of humiliation and she was subjected to dowry harassment. So she was forced to leave her matrimonial home and is



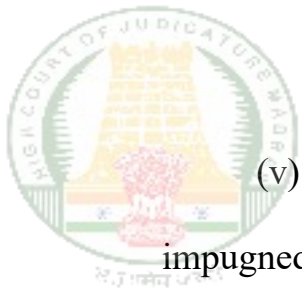
living in her parents house at Chennai. At one time, she was brutally attacked due to which she was severely injured but her mother never interfered in her matrimonial affairs as her mother was suffering with ailments. But with ulterior motive, 1st respondent gave a complaint stating that she along with her uncle and aunt attacked her and so she gave an online complaint to Kodungaiyur P6 Police Station. As such, to escape the clutches of the said complaint, he gave a false complaint against her and her uncle and aunt before the X Metropolitan Magistrate, Egmore, Chennai, without sufficient materials. The said Magistrate has mechanically ordered to register FIR as such is erroneous one and the same is not sustainable in law.

(ii) Further he would submit that the learned Magistrate has allowed the claim of the 1st respondent in the petition filed under Section 175(3) of BNSS which is corresponding to Section 156(3) of Cr.P.C., as a matter of course without employing judicious application of mind which is against the principle set down by the Hon'ble Supreme Court of India in the case Priyanka Srivastava Vs State of U.P., reported in 2015 (6) SCC 287 wherein it is held that the Magistrate should apply his judicial mind and that the power under 156(3) cannot be invoked by litigant at his own whim to harass others. Hence, the impugned order passed by the learned Magistrate suffers from want of judicial application of mind and as such, the same is liable to be set aside.



(iii) The learned counsel further submits that the learned Magistrate has not even read and perused the report of the 2nd respondent who had clearly stated that the 2nd petitioner had given a complaint which has been taken on file in C.S.R.No.1753 of 2024 on the file of the 2nd respondent police on 01.11.2024 wherein the 2nd petitioner has expressed her grievances against the 1st respondent and in this background of facts, the learned Magistrate should have issued notice to the petitioners and heard their grievances and claims before embarking the task of ordering the petition filed under 175(3) of BNSS at the instance of 1st respondent.

(iv) The learned counsel would also submit that the learned Magistrate should have asked the 1st respondent as to the claims of the 2nd petitioner who had given a complaint against him which is taken on file by the 2nd respondent in C.S.R.No.1753 of 2024 whereas the CSR given in respect of 1st respondent complaint is subsequent to that and in that scenario the learned Magistrate should have directed a preliminary enquiry report being filed and directed production of all records placed by them before the 2nd respondent instead of directing registration of FIR as a matter of course and that therefore, the impugned order is vitiated.



(v) The learned counsel for the petitioners submits that because of the impugned order, the 2nd petitioner has been made to suffer further without justification in law as she is already a victim having undergone unbearable sustained torture of the 1st respondent who had instituted a vexatious and frivolous complaint.

(vi) The order passed by the learned Magistrate in Crl.M.P.No.2609 of 2025 dated 16.04.2025 and based upon which FIR No.422 of 2025 dated 09.08.2025 for offence under Sections 296(b) and 115(2) of BNS 2023 are illegal and invalid besides amounting to abuse of criminal justice system.

5. A perusal of the order passed by the learned Magistrate dated 16.04.2025 would go to show that the 2nd respondent police was directed to register FIR as per Section 175(3) BNSS to investigate the case in further and a detailed report has to be filed. The order passed in Crl.M.P.No.2609 of 2025 dated 16.04.2025 reads as follows:-

“ 2. Perused the grounds. On perusal of the complaint averments and enclosed documents reveals the commission of cognizable offence. The Respondent Police after registration of C.S.R not proceeded with any investigation to register the FIR. Hence the complainant intimated the complaint under Section



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173(4) BNSS as it was ineffective. Hence this application had been filed before this Court. Therefore, in the interest of justice, the respondent police is hereby directed to register FIR as per Section 175(3) BNSS and to investigate in further and a detailed report has to be filed as per law.”

6. Even as per CSR.No.142 of 2024 lodged before All Women Police Station, W-18 Police Station, Chennai, it is seen that the 2nd petitioner already gave a complaint on 01.03.2024 against the defacto complainant/1st respondent herein and her father-in-law and even on 03.05.2024, she gave another complaint to Commissioner of Police narrating various allegations that she was harassed by them. As such, already the 2nd petitioner, wife of the 1st respondent herein gave a complaint against the defacto complainant stating that his family members caused harassment to her; so according to the 2nd petitioner, as a counter blast, the present complaint came to be filed as against the petitioners. But as per the present complaint, the 1st respondent stated that while he was celebrating Deepavali on 31.10.2024 there was wordy quarrel; on that day, he was attacked by his mother-in-law and uncle and aunt of his wife. But all the above incidents has to be verified. However, the 1st respondent immediately lodged a complaint. In such circumstances, the learned Magistrate, before giving direction to register the FIR, has not made any observation with regard to



medical records as alleged on the side of the defacto complainant and the medical reports were private hospital records.

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7. It is a matter of record that already there was exchange of complaint between the 2nd petitioner and the 1st respondent; but the mother of the 2nd petitioner and her uncle and aunt name has been falsely implicated. Further, the learned Magistrate has not assigned any reason and as to whether any prima facie material case was made out against all of them and without which, the learned Magistrate mechanically gave a direction to the 2nd respondent to register the FIR which is illegal. But however, the complaint pending against the 2nd petitioner is concerned, there is already complaints filed between the 1st respondent and the 2nd petitioner and therefore, the direction to register FIR as against the 2nd petitioner is not interfered.

8. With the above observation, this Criminal Revision case is allowed as against petitioners 1, 3 and 4. The Revision stands dismissed as against the 2nd petitioner. Consequently, connected Miscellaneous Petition is closed.

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T.V.THAMILSELVI J.

nvsri

To

- 1.The X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Section Officer, Criminal Section, High Court, Madras.

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