



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2371 of 2024

1. S.Manoj Kumar
S/o.D.Selvaraj, Rep. By His Power Of
Attorney And Father D.Selvaraj,
No.29A, St.Antony Nagar, Kolathur,
Chennai.

Petitioner

Vs

1. The Inspector Of Police,
V4 Rajamangalam Police Station, Kolathur, Chennai
- 49.

2.The Inspector Of Police,
W9, All Woman Police Station, Villivakkam,
Kolathur.

3.Ashok Babu
S/o.N.Subramaniam,

4.Jayanthi
W/o.Ashok Babu,

5.Priya
D/o.Ashok Babu, W/o.Kumaresh Babu,

6.Kumaresh Babu
S/o.Not Known,

7.Yogalakshmi,
D/o.Ashok Babu, 3 To 7 Are Residing At F1, 4d,
4th Floor, S-d Lad Side 2, Puzhal Ambattur Road,
Puzhal, Thiruvallur District - 600 066.

..Respondents



PRAYER : Criminal Revision Petition filed under Section 442 read with 438 of BNSS praying to call for the entire records in respect of order passed by the Learned Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.No.53233/2024 dated 4.11.2024 and set aside the same and direct the Respondents to register a case on the basis of complaint given by the petitioner.

For Petitioner(s): Mr.D.Rajagopal

For Respondent(s): Dr.C.E.Pratap,
Government Advocate (Crl.Side)
For R1 And R2
Private Notice-proof Filed-
Served For R3 To R7
No appearance for R3 to R7.

ORDER

Challenging the findings of the learned XIII Metropolitan Magistrate, Egmore, in CrI.M.P.No.53233 of 2004 dated 04.11.2024, the petitioner has preferred this Criminal Revision Case.

2. Before the trial court, the petitioner filed a petition under Section 156(3) Cr.P.C., praying to summon respondents 3 to 7 and issue direction to the 1st respondent-Inspector of Police, V4, Rajamangalam Police Station, to register a case against respondents 3 to 7 and pass suitable orders.



3. The learned Trial Judge, on perusal of the records found that the allegations levelled against the respondents 3 to 7 reveals that matter is a civil and matrimonial nature and to give criminal colour and flavour, petition is filed under Section 156(3) Cr.P.C.; the petitioner attempted to file this petition which cannot be permitted by the Court. Accordingly, he did not find any good ground to invoke Section 156(3) Cr.P.C., consequently, the petition was dismissed.

4. Aggrieved by the said finding, the petitioner preferred this Criminal Revision Case.

5. Brief facts of the complaint is as follows:-

(a) The petitioner is a B.E., M.S. graduate and he is working in USA. As his parents was searching a marriage proposal through matrimonial website, the complainant gave true information about him; through matrimonial website, 3rd and 4th respondents contacted his parents and enquired him and in July 2022, when he visited India, 3rd respondent pressurized him along with his family members to visit his house to see Ranjani Priya and they informed that Ranjani Priya has studied upto B.Sc., nursing and she is planning to pursue higher studies abroad but they have not disclosed anything about her health issue. Believing their words, his parents agreed to perform the marriage on 09.09.2022.



(b) The marriage was solemnized as per the Hindu Rites and Customs. On the side of the respondents 3 to 7, few relations were only present. On 12.09.2022, the marriage was registered. After that, he along with Ranjani Priya set up matrimonial home at No.29A, St.Antony Nagar, Kolathur, Chennai and within a week, they went to USA where he was residing in USA and did work from home and he looked after his wife with love and care.

(c) When they went to shopping mall, she suddenly became panic and cried and uttered some irrelevant words. When he informed her parents, they found fault with the complainant. The petitioner also noticed that his wife speaking alone in the kitchen and sometimes behaving differently. The complainant installed CCTV surveillance in his house and the abnormal behaviour of his wife was captured. During night hours, she keep her eyes wide open and during the long drive, she never had any good conversation and for no reason, she used to cry. If he force her to stay at home, she will make number of calls and she without any reason behaved differently.

(d) When he enquired her, she informed that from her childhood onwards, she was afraid of everything and she always hear some kind of noises and her parents also knows that. On hearing this, the petitioner become disappointed. But her parents had convinced him that she would become perfect. But



complainant came to know that his wife was affected by psychotic disorder, her behaviour also completely changed day by day. She also refused to do any work independently. But instead of correcting her, her parents used to threaten the petitioner. She was 30 weeks pregnant and he attempted to give full treatment. But she was not cooperating for any treatment. While so, she informed him that she took treatment at Apollo Hospital by Dr.Subasini Vishwanathan, but her parents not continued the treatment and the treatment was discontinued. So she was suffering with mental illness and suppressing that, her parents arranged marriage with him. She physically harassed him by throwing some article on him. When he came to India, his family members ill treated him and threatened with dire consequences.

(e) On 17.11.2023, she was taken to Apollo hospital, where the report says that after the test, she was affected with Schizophrenia disorder, for which she already got treatment from the same doctor Subhasini Vishwanathan which discloses that even prior to the marriage, she was affected with mental disorder, but herself and her parents was pretending that everything is normal. So he gave complaint on 17.11.2023 to the Rajamangalam Police Station, Kolathur. They directed him to approach AWPS, Villivakam and they issued C.S.R.603 of 2023. After due enquiry, his wife's father informed that they would approach the Family Court and the enquiry was closed and they also raised new allegations



against this petitioner, so Police advised both parties to approach the Family Court. Even before further enquiry by the Police, considering that petitioner's wife did not appear for enquiry, FIR was not registered though CSR was given. The 1st respondent, without even investigating his wife, came to a conclusion that it was matrimonial dispute, but, the fact is petitioner was cheated by the respondents 3 , 4 and 5. But she filed HMOP.No.5514 of 2023 before the Family Court. In order to escape from the investigation on the complaint filed by the petitioner, the respondents 3 to 7 filed HMOP against him and informed Police that they filed HMOP and so, the 1st respondent did not register FIR against respondents 3 to 7.

6. On receipt of the complaint, the trial Judge, has found that the allegations involved in the petition filed along with 12 documents is relating to the copy of the complaint given to the Police, CSR receipt and closure report and report of medical treatment and CCTV footage. On perusal of the records, the trial Judge found that the allegations levelled against the 6th respondent/wife of the petitioner, ex-facie shows that it involves family dispute and that already there is a case pending before the Family Court and in the medical record referred by the petitioner dated 14.05.2021, there is no diagnosis of Schizophrenia. Therefore, no record produced on the side of the petitioner that his wife was suffered with schizophrenia, a mental disorder even prior to the



marriage and the same also been suppressed by her parents. So the allegations are civil in nature and involved with matrimonial issue by relying on the decision in *Mohammed Ibrahim Vs. State of Bihar (2009) 8 SCC 751*. The trial Judge has dismissed the petition holding that no ground made out to register a case against the respondents 3 to 7. Aggrieved by the said findings, this criminal revision is filed.

7. Learned counsel for the Revision Petitioner argues that after the marriage of the petitioner with 6th respondent, he taken his wife and settled at USA. In the separate residence, she used to behave abnormally and during night hours, she has not slept and she used to cry with panic and sometimes, she used to speak alone in the kitchen and also she used to hear some noises even though no person was available. Therefore, he informed her parents but they were not reacting to his complaints. Therefore, after informing her parents, he came down to India and took his wife to her parents house. According to the petitioner, his wife also informed him that she took treatment at Apollo Hospital for her mental illness but her parents was not given any concern about R-6's behaviour. Further petitioner contended that when he came down to India, he was threatened by her parents. Thereafter, he taken her to Apollo hospital, where he found that she suffered with Schizophrenia. So according to the counsel for the petitioner, complainant's wife and her parents suppressed the mental illness



and marriage was arranged with him and when these averments was stated in the petition in Crl.M.P.No.53233 of 2024, the said petition was not taken on file and as such, the findings rendered therein is illegal and the same is to be set aside.

8. Learned counsel for the Revision Petitioner also submits that there is medical report annexed along with petition and the said documents were not perused and the order was passed by the trial Judge erroneously holding that petitioner's wife was not suffering with such illness before her marriage. To support his arguments, petitioner has relied on the report of Apollo Hospital i.e., Psychology assessment report dated 17.11.2023 taken after the marriage but before giving the complaint. As per the test report, her behaviour observation was that she was disorganised and her response was very poor form level rating and the said report established her difficulty in responses and that she gave only few word responses. Prompted on that basis, medical test finding was given and it was informed that petitioner's wife/R6 had confused manner of approach. Therefore, gave a confabulations of responses and other pathognomic signs and the test shows positive indicators for Schizophrenia.

9. By relying on the said report, the learned counsel for the Revision Petitioner argues that she was suffered with schizophrenia disorder even prior to



the marriage. Further she took treatment with the same doctor Dr.Subhasini Vishwanathan. Further the said facts were not informed to him. But there is no specific record on the side of the petitioner that she was suffering with schizophrenia disorder even prior to the marriage.

10. Admittedly the marriage was held in the year 2022. But medical record relied on by him was of the year 2023. But the main allegation on the side of the petitioner is that petitioner's wife and her parents suppressed that she already suffered with mental illness. Therefore, he gave a complaint to the Police but not taken any action holding that it is a family dispute. So, he preferred private complaint before the trial court.

11. A reading of the trial court order shows that after the revision petitioner lodging the complaint, his wife filed HMOP.No.5514 of 2023 for the relief of restitution of conjugal rights. So, already dispute between the parties were given effect before the family court. Unless any conclusion arrived at based on the material evidence that she suffered with mental disorder and was also suffering with mental disturbance prior to the marriage, the allegations as of now given by the petitioner is not sustainable. To that effect, the trial court has rightly discussed the case and dismissed the petition which requires no interference. If the petitioner's wife suffered with any symptom of



schizophrenia, it has to be evaluated during the trial. Therefore, at this stage, without any medical proof, summoning the respondents was rightly rejected by the trial Judge. The allegations raised by the petitioner, lacks prima facie material and therefore, this criminal revision case is dismissed. The order passed in Crl.M.P.No.53233 of 2024 is confirmed.

28-11-2025

Neutral Citation: Yes/No

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To

1.The Inspector Of Police,
V4 Rajamangalam Police Station,
Kolathur, Chennai - 49.

2.The Inspector Of Police,
W9, All Woman Police Station,
Villivakkam, Kolathur.



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