

CRL RC(MD)No.1047 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1047 of 2025

and

CRL MP(MD)No.10739 of 2025

Vijayalakshmi

... Petitioner/ Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Valliyur, Radhapuram Taluk.

2.S.Elango

3.Vasantha

4.Sudalaiyandi Thevar

5.B.Swarnalakshmi

6.Velammal

7.Muthusamy

8.Sudha

9.Muthupandi

... Respondents / Respondents

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for and examine the entire records relating to and connected with the proceedings of the learned Judicial Magistrate, Valliyur, in Cr.M.P.No.1430 of 2024 on its file resulting in its order dated 18.02.2024 made therein and set aside the same.



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For Petitioner : Mr.P.Vijendran
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)
For R-2 : Mr.V.Karthick Raja

ORDER

Challenging the order passed by the learned Judicial Magistrate, Valliyur, in Crl.M.P.No.1430 of 2024 dated 18.02.2024, this Criminal Revision case is filed.

2. The petitioner herein is the complainant before the learned Judicial Magistrate in Crl.M.P.No.1430 of 2024. The petitioner made an application under section 156(3) of the Code of Criminal Procedure, 1973, before the learned Judicial Magistrate, seeking to direct the 1st respondent police to register a First Information Report as against the respondents 2 to 9.

3. For the sake of convenience, the parties herein are referred to as per their ranking before the learned Trial Court.

4. The 2nd respondent is the husband of the petitioner. The 3rd and 4th respondents are the parents of the second respondent. The 5th respondent is the widowed sister-in-law of the 2nd respondent. The 6th and 7th respondents are the parents of the 5th respondent. The 8th and 9th respondents are the



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sister and brother-in-law of the 2nd respondent. The petitioner and the 2nd respondent have been married for nearly 22 years since 09.12.2002. Although they belonged to Valliyur, the entire family is settled in Mumbai, Dharavi, and all the respondents are residing thereat. However, the 2nd respondent is employed in Africa. While being so, he fell ill and he came back to India and he was undergoing Ayurvedic treatment in his native.

5. During that period, since the petitioner was also suffering medical ailments after having undergone a surgery, it is claimed by the 2nd respondent that the 5th respondent had accompanied him to take care of him by staying in his native. However, the petitioner, alleging that there is an illicit relationship between the 2nd respondent and the 5th respondent, had made a complaint before the All Women Police Station at Valliyur, for which, CSR.No.52 of 2024 was also duly issued by the 1st respondent Police. Due to the inaction of the first respondent police, an application was also sent to the Superintendent of Police. Despite the same, no action was taken.

6. Hence, the petitioner filed CrI.MP.No.1430 of 2024 before the learned Judicial Magistrate. In the interregnum, she also filed a maintenance case in M.C.No.2 of 2024. She further filed CrI.O.P(MD).No. 8968 of 2024 before this Court, seeking speedy disposal of CrI.M.P.No.1430 of 2024, before the learned Trial Court, in which, this Court, considering the nature of the family dispute involved alleging illicit relationship between the

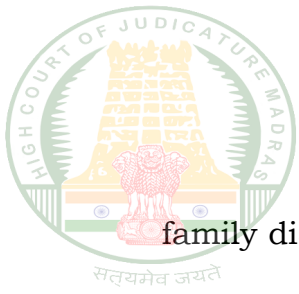


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petitioner's husband and his sister-in-law, had directed the 1st respondent Police to take appropriate action in accordance with law within a period of four (4) weeks from the date of order in the aforesaid case.

7. Pursuant to the order of this Court, the 1st respondent police had filed a report before the learned Judicial Magistrate in the aforesaid Criminal MP and the learned Judicial Magistrate, on perusal of the report filed by the 1st respondent police, had come to a conclusion that, since a maintenance case has also been filed and allegations itself are baseless in terms of the report of the police, negated the petitioner's claim. However, considering the plight of the petitioner, the learned Trial Court directed to convert the same into a private complaint under Section 200 of the Code of Criminal Procedure, 1973. Challenging the same, the petitioner wife is before this Court.

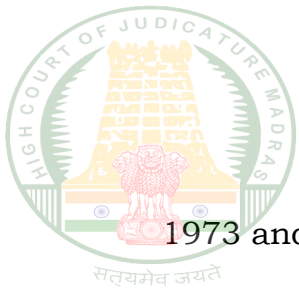
8. The learned counsel for the petitioner categorically contended that, the point as to whether an illicit relationship is prevailing between the petitioner's husband, that is, the second respondent and the 5th respondent, is under consideration before the learned Trial Court and which could be concluded only after the completion of the trial, but even before the completion of the trial, the learned Judicial Magistrate ought not to have come to a conclusion that the matter does not have any criminal implication, negating the petitioner's claim and it is only in the nature of a



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family dispute. He further submitted that, however, considering the plight of the petitioner, the learned Judicial Magistrate directed to covert the same as a petition under Section 200 of the Code of Criminal Procedure, 1973. Pointing out that the illicit relationship between the petitioner's husband and his sister-in-law, had shattered the family, the learned counsel for the petitioner, required this Court to allow this Criminal Revision case.

9. Per contra, the learned Government Advocate (Crl. side) Mr.M.Shakthi Kumar, appearing for the 1st respondent police categorically contended that the learned Judicial Magistrate had applied his mind into the details of the report submitted by the 1st respondent Police in terms of the order passed by this Court in Crl.M.P.No.8968 of 2024, in which, clearly the police has reported that the question of initiating criminal action against the respondents 2 to 9, more particularly, the relatives of the 2nd respondent / husband, will not arise because the husband had all along been employed in Africa and he had come to India only for a short span of time exclusively for taking medical treatment and the reason for the sister-in-law having accompanied him while he was under treatment is only because that the petitioner was also undergoing treatment at Mumbai after undergoing a surgery, and hence, he further pointed out that the learned Trial Court had not considered the petitioner's claim, fully negated the petitioner's case from the nature of the order in which the Court had duly converted the same into a private complaint under Section 200 of the Code of Criminal Procedure,



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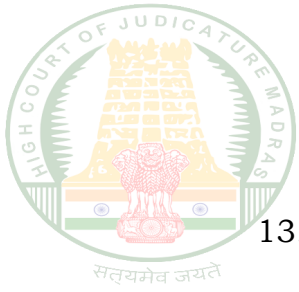
1973 and pressed for dismissal of the Criminal Revision case.

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10. The learned counsel for the 2nd respondent husband categorically contended that the allegations of the petitioner wife is completely baseless and her intention to initiate criminal action against the 2nd respondent is only to rattle his job at abroad and if at all in her inimical style of taking criminal action against him, he will be put to a circumstance where he will be compelled to lose his job abroad and pressed for dismissal of the Criminal Revision Case and sought the mercy of this Court.

11. Heard the learned counsel for the petitioner, the learned counsel for the first respondent, the learned counsel for the second respondent and carefully perused the materials available on record.

12. Having gone through the impugned order, I am of the considered view that the learned Judicial Magistrate had duly applied his mind through the details of the report filed by the 1st respondent police in compliance to the order passed by this Court, in CRL.O.P.(MD)No.8968 of 2024 and only after that, recording the fact that already a maintenance case has also been filed by the petitioner, the learned Trial Court had concluded that no *prima facie* case is made out by the petitioner to direct the 1st respondent police to register a criminal case as against the respondents 2 to 9.



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13. Even thereafter, considering the allegation of illegal intimacy between the 2nd respondent and the 5th respondent, the learned Trial Court had converted the same into a private complaint under Section 200 Criminal Procedure Code, 1973. Hence, I don't find any infirmity in the said order. Accordingly, the Criminal Revision case fails and the same is dismissed. The petitioner is at liberty to proceed with the complaint, which is converted into the private complaint under Section 200 of Cr.P.C. No costs. Consequently, connected miscellaneous petition is closed.

18.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Judicial Magistrate,
Valliyur.
- 2.The The Inspector of Police,
All Women Police Station,
Valliyur, Radhapuram Taluk.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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