

Crl.R.C.(MD) No.141 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.141 of 2025

and

Crl.M.P(MD)No.1489 of 2025

Rajeswari

: Petitioner

Vs.

1.The State rep.by the Inspector of Police,
T.Kallupatti Police Station,
Madurai District.

2.Valarmathi

: Respondents

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 of B.N.S.S., to call for the records relating to the order passed by the District Munsif Court cum Judicial Magistrate Court, Peraiyur in C.C.No.57 of 2023, dated 28.02.2023 and set aside the same.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Ms.M.Aasha,
Government Advocate (Crl. Side), for R1.



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ORDER

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This Criminal Revision Petition is directed against the order passed by the District Munsif Court cum Judicial Magistrate Court, Peraiyur in C.C.No.57 of 2023, dated 28.02.2023.

2. It is evident from the records that on the basis of the complaint given by the second respondent, FIR came to be registered in Crime No.116 of 2019, dated 06.06.2019 against the petitioner and another for the offence under Sections 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022. It is not in dispute that the first respondent, after completing the investigation has filed the final report against the first accused for the offence under Sections 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022 and thereby excluding the petitioner herein and they have also filed a deletion report.

3.It is evident from the records that the learned Magistrate considering the materials submitted, has passed an order, dated 28.02.2023 taking cognizance against both the accused for the offence under Sections 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act,



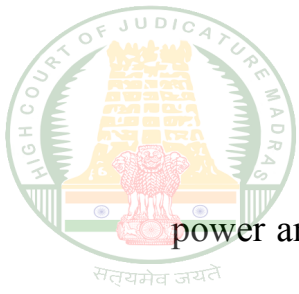
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2022 and the case was taken on file in C.C.No.57 of 2023 and that the said order is now under challenge.

4.The learned counsel for the petitioner would submit that the Police, during investigation, after coming to know that the petitioner was not available in the place of occurrence, has rightly deleted the name of the petitioner and laid the charge sheet. But the learned Magistrate, without considering the statements recorded under Section 161(3) Cr.P.C., has taken cognizance against the petitioner also, for which, there are absolutely no materials available.

5.It is evident from the impugned order that the learned Magistrate, by observing that on perusal of statement under Section 161(3) Cr.P.C., and other documents, there are materials to proceed against the present petitioner and on that basis, passed the impugned order. The learned counsel for the petitioner would submit that the complainant in her statement recorded under Section 161(3) Cr.P.C., has raised allegations against the present petitioner, but there is no corroboration from the other witnesses.

6.It is settled law that the final report submitted by the Police is the opinion of the Investigating Officer and the learned Magistrate is having every



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power and jurisdiction to take cognizance on the basis of the material available on record.

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7. In the case on hand, the learned Magistrate has considered the statements and other records and passed the impugned order and as such, the same cannot be found fault with. Consequently, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

8. At this juncture, the learned counsel for the petitioner would submit that the petitioner's name does not find place in the charge sheet and that the Registry of this Court has raised objections to number the quash petition.

9. In the result, the Criminal Revision Petition is dismissed. The petitioner is at liberty to file a petition for charge sheet quash, if so advised. Consequently, connected Miscellaneous Petition is closed.

03.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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To:-

- 1.The District Munsif Court cum Judicial Magistrate,
Peraiyur.
- 2.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.141 of 2025
and
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03.02.2025