

V.Gopalakrishnan vs Vatchala

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Court : Chennai Orders

Decided On : Feb-02-2026

Judge : Honourable Mr Justice a.D.Jagadish Chandira

Appeal No. : CRL OP/2101/2026

Appellant : V.Gopalakrishnan

Respondent : Vatchala

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
V.Gopalakrishnan ...Petitioner Vs.

1. Vatchala

2. Gnanasoundari

3. Soumiya ...Respondents

Criminal Original Petition filed under Section 528 of BNSS, 2023, seeking to set aside the order dated 03.01.2025 passed in Crl.R.P.No.9 of 2023 by the learned III Additional Sessions Judge, Puducherry in Crl.M.P.No.4137 of 2023 on the file of the learned Judicial Magistrate-II, Puducherry dated 09.05.2023. For Petitioner : Ms.B.Girija

ORDER

This criminal original petition has been filed seeking to set aside the

order dated 03.01.2025 passed in Crl.R.P.No.9 of 2023 by the learned III

Additional Sessions Judge, Puducherry, confirming the order dated 09.05.2023 made in Crl.M.P.No.4137 of 2023 on the file of the learned Judicial Magistrate-II, Puducherry.

2. The brief facts of the case are as follows:-

The petitioner filed a complaint under Section 200 of Cr.P.C. before the learned Judicial Magistrate-II, Puducherry in Crl.M.P.No.4137 of 2023 as against the respondents for the alleged commission of offences under Sections 294(b), 323, 327, 447 and 506(ii) r/w. 34 of IPC. However, after recording the sworn statement of the petitioner and examining two witnesses alone, the learned trial Judge dismissed the said complaint, vide order dated 09.05.2023, on the ground that no prima facie case was made out against the respondents. Challenging the same, a revision was preferred by the petitioner before the learned III Additional Sessions Judge, Puducherry in Criminal Revision Petition No.9 of 2023. The learned Judge, finding that there is no infirmity in the dismissal order passed by the trial court, dismissed the said revision, vide order dated 03.01.2025. Aggrieved by the same, the present petition has been filed.

3. It is well settled that a revision petition ought to be preferred before

the Sessions Court under Section 397 of Cr.P.C. Once the revision is dismissed, a subsequent petition under Section 482 Cr.P.C., before the High Court challenging the very same order would, in substance, amount to a second revision, which is specifically barred under Section 397(3) of Cr.P.C. The inherent powers of this Court under Section 482 Cr.P.C. cannot be invoked to circumvent such a statutory bar. However, no doubt, in certain exceptional circumstances, this Court can entertain a petition filed under Section 482 Cr.P.C.

4. But, in the present case, no such exceptional circumstance has been made out warranting interference under Section 482 Cr.P.C. Therefore, the present petition, being in the nature of a second revision, cannot be entertained and is liable to be dismissed.

5. This criminal original petition stands dismissed accordingly. skt NCC : Yes/No

A.D.JAGADISH CHANDIRA, J.

skt To:

1. The III Additional Sessions Judge,
2. The Judicial Magistrate-II,

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