

Manja Beevi Vs. Ibrahim

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SooperKanoon Citation : sooperkanoon.com/926770

Court : Chennai

Decided On : Feb-09-2012

Judge : P.R.Shivakumar, J.

Acts : Code of Criminal Procedure(CrPC) - Section 156(3), 397, 401, 482, 200, 249; [Indian Penal Code\(IPC\) 1860](#) - Sections 498-A; Dowry Prohibition Act. - Section 4

Appeal No. : Crl.R.C.(MD)No.33 of 2012

Appellant : Manja Beevi

Respondent : ibrahim

Advocate for Pet/Ap. : Mr.B.Chakravarthi, Adv

Judgement :

Criminal Revision Case is filed under Section 397 and 401 Cr.P.C praying to call for the records and set aside the dismissal order in MC No.35 of 2010 passed by the District Munsif-cum-Judicial Magistrate, Karaikudi, dated 18.08.2011.

ORDER

1. This Criminal Revision Case has been filed questioning the correctness and legality of the order dated 18.08.2011 passed by the learned District Munsif- cum-Judicial Magistrate, Karaikudi in Crl.M.P.No.35 of 2010. However, since it had

been inappropriately described in tamil as gy;tif tHf;F vz;.;35/2010, the petitioner has chosen to prefer the present revision, as if the impugned order was passed in M.C.No.35 of 2010. After the revision was taken on file and listed for admission, the petitioner left the matter without any representation when the matter stood listed on 31.01.2012 for admission. Hence, this court intending to afford one more opportunity adjourned the matter by 10 days and thus, the matter stands listed today for admission under the caption Adjourned admission'.

2.Today also it seems that the petitioner is not ready to get along with the revision. Mr.B.Chakkravarthi, Advocate one of the counsel on record who is present simply prayed for an adjournment, which this court was not inclined to grant. Even after the court's decision not to grant an adjournment was made known, the learned Advocate referred above refused to make any submission for the admission of the criminal revision case. Hence, this court deems it appropriate to peruse the revision petition and the connected papers produced along with the grounds of revision and pass an order.

3.The petitioner is the wife of the respondent. She preferred a petition under section 156(3) Cr.P.C. in 2009 praying for a direction directing the Inspector of Police, All Women Police Station, Karaikudi to register a case and investigate regarding an alleged occurrence that took place in the month of May 2006. Of course, the said petition was proceeded by a criminal original petition under section 482 Cr.P.C filed on the file of this court as Original Petition No.1684 of 2009. The said petition was dismissed giving liberty to the petitioner to move the jurisdictional Judicial Magistrate and only pursuant to the same, the said petition under section 156(3) Cr.P.C came to be filed. The learned District Munsif-cum-Judicial Magistrate, Karaikudi forwarded the said complaint under the said provision to All Women Police Station, Karaikudi with a direction to register a case and investigate the same. Accordingly, a case was registered on the file of All Women Police Station, Karaikudi in crime No.1 of 2010 for alleged offences punishable under section 498-A IPC and section 4 of Dowry Prohibition Act.

4.The Inspector of Police of the said police station completed the investigation and on such completion of investigation, the Inspector of Police came to the conclusion

that there was no truth in the complaint and hence, chose to submit a negative final report. On receipt of notice informing the filing of the negative final report, the petitioner came forward with a private complaint under section 200 Cr.P.C in the form of a protest petition. The same came to be taken on file by the learned District Munsif-cum-Judicial Magistrate, Karaikudi as a private complaint. The learned District Munsif-cum-Judicial Magistrate postponed the issue of process and proposed to proceed with the examination of the petitioner herein/complainant and the witnesses to be produced by the petitioner herein/complainant. Though such a protest petition was filed in the month of August 2010 itself, till 18.08.2011 the petitioner did not come forward to give her sworn statement and produce witnesses to speak for her. Under the said circumstance alone, the learned District Munsif-cum-Judicial Magistrate chose to dismiss the complaint with the result the respondent stood discharged, presumably under section 249 Cr.P.C due to the absence of the complainant. Having paving the way for such a un-ceremonial dismissal of the complaint and having chosen to prefer a revision against the same, the petitioner is expected be prompt at-least before this court in proceeding with the revision.

5.As pointed out supra, when the matter appeared for the first time in the list for admission, the petitioner left the matter without any representation and recording the absence of representation, this court chose to adjourn it by 10 days with a view to give another chance. Today also the petitioner is not ready and the learned Advocate deputed by the counsel on record is also not in a position to make any submission. Upon perusing the materials produced by the petitioner and the order of the learned District Munsif-cum-Judicial Magistrate impugned in this criminal revision case, this court comes to the conclusion that not even a prima facie case for interference with the said order has been made out and the learned District Munsif-cum-Judicial Magistrate has not committed any mistake, error or illegality in passing the impugned order. Hence, the present criminal revision case deserves dismissal at the threshold itself.

6.Accordingly, the criminal revision case is dismissed.