



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18383 of 2026

and

Crl.M.P.Nos. 12232 & 12234 of 2026

R.Krishnamurthy
Proprietor: M/s.Mary Fashion Implex,
No.88, Tea Nagar,
Mudgalipalayam Sidco,
Tiruppur.

..Petitioner(s)

Vs

K.S.Chinnayan,
Proprietor: M/s. Sri Raam Dyeing Factory,
Rep.by his Power of Attorney Agent,
P.Rangaraj,
No.1/1-2A, Anthiyur Road,
Kadayampatti, Bhavani – 638 312.

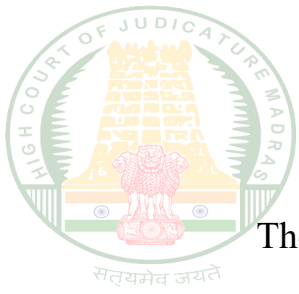
and Also Residing at
4/127(15),
Adhinarayana Nagar,.
Goundam Palayam,
Ganapathy Palayam Post,
Palladam Taluk, Tiruppur District.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in STC.No.507 of 2019, on the file of the learned Judicial Magistrate (Fast Track Court No.II), Erode and quash the same and pass such further or other orders.

For Petitioner(s): Mr.R.Karthikeyan

For Respondent(s):



ORDER

The Criminal Original Petition is to quash the private complaint in STC.No. 507 of 2019 on the file of the Judicial Magistrate (Fast Track Court No.II), Erode.

2. The point that is raised is that originally when the complaint was filed in the year 2019, it was filed even before the expiry of 15 days from the issue of statutory notice. The Trial Court returned the same thereafter, the very same complaint is being represented.

3. The learned counsel by relying upon the judgement in *Yogendra Pratap Singh Vs. Savitri Pandey and another, (AIR 2015 Supreme Court 157)* would submit that even though the complainant would be entitled to file a fresh complaint after 15 days, he cannot represent the very same complaint.

4. Considering the fact that the case is of the year 2019 and already the trial is in progress, this Court cannot entertain a quash application at this belated point of time. The said point can also be raised during the course of the trial. Keeping open the liberty of the petitioner to raise it before the trial court, this quash petition is not entertained. Accordingly, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.



5. Considering the hardship pleaded by the petitioner, the presence of the petitioner before the Trial Court, except for the hearing as may be insisted upon by the Trial Court shall stand dispensed with. Accordingly, Crl.M.P.No. 12234 of 2026 is ordered.

14-07-2026

Neutral Citation: No

KKN

To

1. The learned Judicial Magistrate
(Fast Track Court No.II), Erode.
- 2.The Public Prosecutor,
Madras High Court, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

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