



Crl.O.P.(MD)Nos.447 & 8724 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)Nos.447 & 8724 of 2024 and
Crl.MP(MD) Nos.5994 and 5995 of 2024

Crl.OP(MD)No.447 of 2024 :

Divya

... Petitioner

Vs

The Sub Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
Crime No.93 of 2022.

...Respondent

Crl.OP(MD)No.8724 of 2024 :

Divya

... Petitioner

Vs

1.The State rep by
The Sub Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
Crime No.93 of 2022.

2.Muthulakshmi

...Respondents



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Prayer in Crl.OP(MD) No.447 of 2024 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District Munsif cum Judicial Magistrate Court, Thirupattur to complete the trial and dispose of the case in CC.No.178 of 2022 within the period that may be stipulated by this Court.

Prayer in Crl.OP(MD) No.8724 of 2024 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Charge Sheet in CC No.178 of 2022, pending on the file of the Principal District Munsif cum Judicial Magistrate Court, Thiruppathur and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.R.Ramanujam
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
(Crl.OP(MD)No.447 of 2024)

For Petitioner : Mr.R.Ramanujam
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
(Crl.OP(MD)No.8724 of 2024)

COMMON ORDER

The petitioner has filed these Criminal Original Petitions for speedy disposal of the case in CC.No.178 of 2022, which is pending on the file of the Principal District Munsif cum Judicial Magistrate Court,



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Thirupatthur and also to quash the above proceedings in CC No.178 of 2022, insofar as the petitioner is concerned.

2.The learned counsel appearing for the petitioner submits that there is a civil dispute between the petitioner and the defacto complainant. He further submits that in the alleged occurrence, the petitioner is a victim, however, a complaint has been lodged as against her and the respondent police, without following the Police Standing Orders 588(A), has mechanically filed the final report as against this petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that based on the complaint given by one Muthulakshmi/the defacto complainant in Crl.OP(MD) No.8724 of 2024, a case in Crime No.93 of 2022 has been registered by the respondent police as against the petitioner and one Saranya, for the offence punishable under Sections 442, 355, 323, 324 and 506(ii) of IPC. Thereafter, based on the complaint given by the petitioner herein, a counter case in Crime No.94 of 2022 has been registered for the offence



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under Sections 341 and 506(i) of IPC. He further submits that in both the cases, final reports were filed and the same are pending in CC No.177 and 178 of 2022.

4.This Court, by earlier order dated 11.01.2024 has called for a report from the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur. The learned Magistrate has also submitted a report on 29.01.2024, stating that CC Nos. 177 and 178 of 2022 have been taken on file on 16.11.2022. After completion of questioning on 12.02.2024, the cases were posted for trial. Since the witnesses LW 1 to LW 4 were not present on 23.04.2024, witness warrant was been issued in CC No.178 of 2022.

5.Considering the rival submissions made and after perusing the materials placed on record, including the report submitted by the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur, these Criminal Original Petitions are disposed of with the following directions:-



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- i. The petitioner is at liberty to raise all these grounds before the trial Court.
- ii. The trial Court shall endeavour to conclude the trial in both the cases in CC Nos.177 and 178 of 2022 within a period of four months from the date of receipt of a copy of this order.

Consequently, connected Miscellaneous Petitions are closed.

15.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn

To

- 1.The Principal District Munsif cum Judicial Magistrate Court,
Thirupatthur.
- 2.The Sub Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Common Order made in
Crl.OP(MD)Nos.447 & 8724 of 2024 and
Crl.MP(MD) Nos.5994 and 5995 of 2024

15.07.2024