



Crl.O.P.(MD)No.22423 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22423 of 2024

and

Crl.M.P.(MD)Nos.13996 and 13997 of 2024

Balakumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Mathukoor Police Station,
Thanjavur District.
(Crime No.9 of 2008)

2.M.Dhanabal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to P.R.C.No.70 of 2019, on the file of the Judicial Magistrate Court, Pattukkottai, Thanjavur District, and quash the same as against the petitioner.

For Petitioner : Mr.V.Anand

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed invoking Section 528 B.N.S.S., 2023, seeking orders to quash the proceedings in P.R.C.No.70 of 2019, on the file of the Judicial Magistrate Court, Pattukkottai, Thanjavur District.

2. The learned counsel for the petitioner submits that a case was registered under Crime No.9 of 2008 based on the complaint of the de-facto complainant and on completion of investigation, a charge sheet was filed against four accused, including the petitioner. However, since the petitioner was not available, the case against A1 to A3 was separated and S.C.Nos.143 of 2015 and 248 of 2019 were assigned. After trial, the trial Court acquitted A2 and A3 on 10.12.2021. As far as A1 is concerned, the trial proceeded in S.C.No.143 of 2015 and ended in acquittal on 08.12.2017. Now, only the petitioner remains, with the case still pending in P.R.C.No.70 of 2019.

3. The learned counsel for the petitioner submits that the de-facto complainant did not accuse the petitioner of any assault. The de-facto complainant only mentioned that the petitioner was found standing with



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a reaper and damaged a bulb, with no further involvement in the incident.

Moreover, the alleged assailants in the case have been acquitted. Due to the prolonged pendency of this case, the petitioner is enduring significant hardship. Therefore, the learned counsel has sought the quashing of the case.

4. In response, the learned Additional Public Prosecutor submits that the points raised by the petitioner are factual in nature. Since the acquittals of A1 to A3 were the result of a full-fledged trial, the petitioner can seek the same benefit during his own trial, rather than relying on the trial Court's judgments in a quash petition.

5. The learned counsel for the petitioner, at this stage, limits his prayer and requests that the petitioner be allowed to appear in the committal Court on the next hearing date, with the case being committed to the Sessions Court. The learned counsel for the petitioner further requests that the Sessions Court complete the trial within three months to end the ordeal.



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6. In view of the above limited request, this Court issues the following directions:-

(i) The learned Judicial Magistrate, Pattukottai, shall commit the case in P.R.C.No.70 of 2019 to the Sessions Court, Thanjavur, on the next hearing date when the petitioner appears.

(ii) The learned Sessions Judge, Thanjavur, shall take the case on file, assign a Sessions Case number, and transfer it to the learned III Additional District Judge, Pattukottai.

(iii) The learned III Additional District Judge, Pattukottai, shall complete the proceedings within four months. The learned III Additional District Judge, Pattukottai, is also reminded that A1 to A3 were previously acquitted in S.C.Nos.143 of 2015 and 284 of 2019.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No

19.12.2024

Index : Yes / No

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Note:- Issue order copy on 02.01.2025



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Copy to:-

- 1.The Sessions Judge,
Thanjavur.
- 2.The III Additional District Judge,
Pattukottai,
Thanjavur District.

To

- 1.The Judicial Magistrate,
Pattukottai,
Thanjavur District.
- 2.The Inspector of Police,
Mathukoor Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.22423 of 2024

Dated: 19.12.2024