



Crl.O.P.No.18430 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.18430 of 2025

--

K.R.Thyagarajan, S/o S.K.Ramanathan

.. Petitioner

Vs.

Mrs.Sangeetha, D/o Ponnurangam

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. read with Section 528 of the BNSS, 2023 praying to set aside the adjudication order dated 01.12.2022 passed by the XX Metropolitan Magistrate, Allikulam, Egmore in C.C.No.2189 of 2020.

For petitioner : M/s.Malini George

For respondent: Mr.S.Senthilnathan

ORDER

The petition is filed to set aside the adjudication order dated 01.12.2022 passed by the XX Metropolitan Magistrate, Allikulam, Egmore, Chennai, in C.C.No.2189 of 2020.

2. In the earlier occasion, a non-bailable warrant (NBW) was issued to the original accused/respondent herein, against which, she has filed Crl.O.P.No.9673 of 2022, in which, this Court, by order dated 22.06.2022, held as follows:

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"5. Accordingly, this Criminal Original Petition is allowed and the Order dated 31.08.2021 issuing Non Bailable Warrant in C.C.No.2189 of 2020 on the file of the XX Metropolitan Magistrate, Allikulam, Chennai is set aside. Consequently, connected miscellaneous petition is closed. In view of the submission of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for questioning under Section 313 Cr.P.C. and on the date of pronouncing judgment and the proxy shall defend the case on behalf of the petitioner."

3. Based on the above order, the respondent/accused has filed a special vakalat and as proxy to the main accused, she is appearing now and the learned counsel for the petitioner/complainant is apprehending that she cannot act in a dual role as accused and also as the counsel for the accused. When once the Court gives such a direction by the above said order dated 22.06.2022, the same has not been challenged by the petitioner and the petitioner cannot prevent the respondent to act as proxy as well as witnesses.

4. Further, the respondent has also not stated that he is going to be a witness for the accused. It is only the apprehension of the petitioner. However, the learned Magistrate, while conducting trial, should bear in mind the Paragraph No.5 of the order of this Court, dated 22.06.2022 passed in Crl.O.P.No.9673 of

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5. With the above observations/direction, this petition is dismissed.

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CS

To

1. XX Metropolitan Magistrate, Allikulam, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.

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