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Crl.OP.No.27965 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.27965 of 2025

1.Devendiran

2.Valli

... Petitioners

Vs.

1.K.Raj

2.State rep. by

The Inspector of Police,
Appakoodal Police Station,
Erode District.

[Ref. Crime No.41 of 2022]

... Respondents

Prayer: Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate No.I at Bhavani to dispose the CMP No.4753/2023 in STC No.16 of 2023 within a stipulated period of time.

For Petitioners : Mr.V.Vijayakumar

For Respondent-2 : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

The present Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate No.I at Bhavani to dispose the CMP No.4753/2023 in STC No.16 of 2023 within a time frame as fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the second respondent.

3. The case of the petitioners is that there was a quarrel between the petitioners and the first respondent herein in regard to car parking on 14.02.2022, due to which the petitioners said to have attacked the de-facto complainant/first respondent and also abused him using his caste name and hence, a case was registered under Sections 294(b), 323 IPC & S.3(1)(s), 3(2)(va) of SC/ST (POA) Act. The petitioners obtained anticipatory bail by filing Crl.O.P.No.6169 of 2022 before this Court, in which based on the information of the respondent police, the offences under SC/ST Act were



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deleted by this Court on 18.03.2022 and the alteration report in Cr.No.41 of 2022 was filed on 24.01.2023 and thereafter, a final report was filed for the offences under Sections 294(b) and 323 IPC which was taken cognizance on the file of the learned Judicial Magistrate No.I, Bhavani in STC No.16 of 2023. Assailing the deletion of the offences under SC/ST Act and to add the said offences, the first respondent filed a Protest Petition in CMP.No.4753 of 2023 in STC No.16 of 2023 wherein counter were filed by the petitioners as well as the second respondent. However, the same was pending for the past two years without any progress. Moreover, the learned counsel contended that the first respondent in fact is not a SC/ST and he has filed a writ petition in W.P.No.11133 of 2022 before this Court to get the community certificate of SC/ST in which he had sought 51 adjournments and also that in this regard, the learned JM-I, Bhavani by letter dated 05.12.2023 addressed to the Deputy Superintendent of Police to communicate the community status of the first respondent and he had also filed report of RDO, Gobichettipalaym in this regard. Aggrieved by the pendency of the said Protest Petition pending from 2023, the petitioners have come forward with the present Petition.



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4. The learned counsel for the petitioners submitted that due to wordy quarrel in regard to car parking, the first respondent had lodged a complaint against the petitioners and the same was taken cognizance in STC No.16 of 2023. He further submitted that the first respondent had filed a protest petition to add the deleted offences by this Court in CMP No.4753 of 2023 but however, there was no progress and is pending for the past two years. Hence, the present Petition.

5. Considering the facts and circumstances of the case and since the case pertains to civil dispute and the protest petition filed by the first respondent in CMP.No.4753 of 2023 is pending, this Court directs the learned Judicial Magistrate No.I, Bhavani to complete the trial in CMP No.4753 of 2023 pending on its file, as expeditiously as possible.

6. With the above directions, the Criminal Original Petition stands disposed of.

14.10.2025

DP

Index:Yes/No

NCC : Yes/No



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To

- 1.The Judicial Magistrate No.I,
Bhavani.
- 2.The Inspector of Police,
Appakoodal Police Station,
Erode District.
- 3.The Public Prosecutor,
Madras High Court.



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N.SATHISH KUMAR.J.

DP

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