



Crl.O.P.No.34031 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.34031 of 2025

Krithika

...Petitioner

Vs.

1. State rep. by,
The Inspector of Police,
All Women Police Station, (East),
Coimbatore City.
In Crime No.36 of 2022.

2. Rajkumar

...Respondents

Criminal Original Petition filed under Section 528 of BNSS, to set aside the returned docket order passed in Crl.MP.CFR.No.1750 of 2025 in SC.No.151 of 2024 dated 29.10.2025 passed by the Mahila Court of Coimbatore and to allow this Criminal Original Petition.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Santhosh, GA(Crl. Side), for R1
: Mr.M.Nandhakumar,
for Mr.K.Mukund Rao, for R2



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ORDER

This criminal original petition has been filed seeking to quash the docket order (return) dated 29.10.2025 passed in Crl.MP.CFR.No.1750 of 2025 in SC.No.151 of 2024 by the Mahila Court of Coimbatore.

2. The brief facts are as follows:

2.1 The 1st respondent registered an FIR in Crime No.36 of 2022 as against the 2nd respondent/accused, pursuant to the complaint made by the petitioner/de facto complainant. Upon completion of investigation, the 1st respondent filed a final report before the trial court for the offences under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, Sections 376, 323, 506(i) and 354(C) of IPC and Section 342 of Press and Registration of Books Act and the same was taken on file in SC.No.151 of 2024. The petitioner filed a petition under Section 338(2) of BNSS in Crl.MP.CFR.No.1750 of 2025 seeking to permit the petitioner/de facto complainant to assist the prosecution to conduct the case against the 2nd respondent/accused. However, the trial court, vide order dated 29.10.2025, returned the said petition without even numbering it, on the following ground:-



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“In view of Section 248 of BNSS 2023, the trial before the Sessions Court shall be conducted by the Public Prosecutor. Therefore it is not maintainable either in facts or in law. Hence returned.”

2.2 Aggrieved by the same, the petitioner/de facto complainant has come up with this criminal original petition.

3. Learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that though a composite prayer has been sought by the petitioner seeking to permit her to assist the prosecution, the trial in this case has already been completed and the case is now posted on 20.01.2026 for arguments on the side of the accused and at this stage, filing a petition under Section 338(2) *ibid.* is not sustainable.

4. At this juncture, the learned counsel for the petitioner restricted the prayer and submitted that it would suffice if this Court permits the petitioner to file a detailed written submission.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. Considering the facts and circumstances of the case and also the limited relief now sought by the learned counsel for the petitioner, this Court, without going into the merits of the case and without interfering with the order impugned, grants liberty to the petitioner/victim to file a detailed written submission in the case and the trial court shall deal with the same in an appropriate manner as it deems fit.

7. With the above direction and observations, this criminal original petition stands disposed of.

15.12.2025

skt

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

1. The Mahila Court,
Coimbatore.
2. The Inspector of Police,
All Women Police Station, (East),
Coimbatore City.
3. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.

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