



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 32805 of 2025

1. Captain Prabhakaran
S/o. Murugesam, No.90/18, Akkaiya
Naidu Street, Tiruttani, Tiruvallur,
Tamil Nadu 631 209

Petitioner(s)

Vs

1. Inspector of Police
D-1, Tiruthani Police Station, Nethaji
Nagar, Thiruttani, Tamil Nadu 631209
Crime NO.123/2021 No.1/Compainant.

2. Anandan
S/o. Ranganathan, No.31,
Sengalvarayan Street, Thiruthani.

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS praying to call for the records on the file of the Judicial Magistrate Court, Thiruthani, in C.C.No.127 of 2024 and quash the same as against the Petitioner/Accused No.3.

For Petitioner(s): Mr.S.Natarajan

For Respondent
No.1: Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Learned counsel for the petitioner seeks permission of this Court to withdraw this petition. However, he would request that a direction may be given



to the trial court to complete the trial within a specific period.

2. The learned Government Advocate (Criminal Side) submitted that A-1 and A-2 are absconding.

3. At this juncture, the learned counsel for the petitioner would reiterate that the petitioner is an LL.B., graduate and would request that the petitioner's presence before the trial court in connection with C.C.No.127 of 2024 may be dispensed with.

4. Taking note of the above submissions and that the 1st respondent is unable to secure the other accused, the trial court is directed to split up the case in so far as the case of the petitioner is concerned and complete the trial as early as possible, preferably within a period of six months from the date of receipt of a copy of this order. While holding so, this Court is not oblivious of the judgment of a Constitution Bench of the Supreme Court, in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh*** reported in **(2024) 6 SCC 267**, wherein, it was held that the constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other court and that time limit can be fixed for disposal of cases only in exceptional circumstances. The relevant portion of the said decision for the sake of ready reference is reproduced below:



"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending."

(emphasis supplied by this Court)

5. It has also been held in the aforesaid extracted portion that in exceptional circumstances, constitutional courts may issue directions for time bound disposal of cases. Keeping in mind the fact that the petitioner is an LL.B., graduate who wishes to pursue his profession, which, in the opinion of this Court is an exceptional circumstance, this Court, in the preceding paragraph, has directed the expeditious disposal of the case.

6. With the above observation, the criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

02-12-2025

nvsri

Neutral Citation: Yes/No



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To

1.The Inspector of Police
D-1, Tiruthani Police Station, Nethaji
Nagar, Thiruttani, Tamil Nadu 631209
Crime NO.123/2021 No.1/Compainant.

2. The Judicial Magistrate Court,
Thiruthani.

3.The Public Prosecutor
High Court of Madras.



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A.D.JAGADISH CHANDIRA J.

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