

Crl.O.P.(MD)No.1569 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1569 of 2025
and Crl.M.P(MD).No.1075 of 2025

Senthil Prabu

: Petitioner

Vs.

The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

: Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the order dated 29.03.2023 made in Cr.M.P.No.4374 of 2021 in CC.No.401 of 2019 pending on the file of the learned Judicial Magistrate No.3, Thoothukudi and set aside the same.

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioner, who is arrayed as accused and facing trial in CC No. 401/2019 for the offence under Sections 294 B, 323 and 506 (2) of IPC



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had filed a petition before the trial Court in Cr.M.P.No.4374 of 2021 to close the case numbered as C.C.No. 401 of 2019, which has been filed on the basis of FIR in Crime No.442 of 2017. The contention of the petitioner is that the petitioner earlier moved a quash application in CrI.O.P.(MD).No.17948 of 2019 along with his family members. This Court by order dated 10.03.2020 had quashed the case against A2 to A5, who are all women folks in the petitioner's family. Thereafter, the petitioner had filed a petition in CrI.O.P(MD).No. 5622 of 2021 seeking for expeditious trial of C.C.No. 401 of 2019. This Court by order dated 20.04.2021 had recorded that by earlier order dated 10.03.2020, the entire prosecution case has been quashed. Hence, call for report from the trial Court whether the order was reached the Court or not. Thereafter, the petitioner had filed the present petition seeking to close the case in C.C.No.401 of 2019. He further submitted that the second respondent/defacto complainant had not participated in the proceeding before this Court and kept herself away. The second respondent /defacto complainant had filed a matrimonial case in HMOP.No.1 of 2018 before the Subordinate Court, Thoothukudi, seeking for dissolution of marriage and the petitioner had filed a counter-claim. The marriage was dissolved by order dated 16.02.2019. The petitioner has also filed a divorce petition



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and the same was granted to the petitioner. The second respondent is employed in the State Bank of India and she is having her own way of life.

The complaint of the case is only harassment. Hence, prayed for quashing of the case and also to set aside the impugned order give effect to the orders passed by this Court in Crl.O.P(MD).No.5622 of 2021.

2. The learned Additional Public Prosecutor strongly opposed the petitioner's contention stating that the petitioner had earlier filed quash application in Crl.O.P(MD).No.17948 of 2019 and at the start of the order in Para No.2, the petitioner had stated that “the case against the first petitioner, namely, Senthil Prabhu/petitioner herein”. Thereafter, this Court proceed to analyze the case with regard to A2 to A5 and finally, quashed the proceeding against women folk, who are A2 to A5. In this background, viewing the order passed in Crl.O.P(MD).No.5622 of 2021, wherein error has been kept in and this Court had observed that by order dated 10.03.2020, the entire prosecution case has been quashed. The petitioner in all fairness could have informed that Court that error has been crept in, but the same not done. The prosecution also equally not clarified the order, which had led to the petitioner filing the above petition. The trial Court on harmonious reading of both the orders of this Court found



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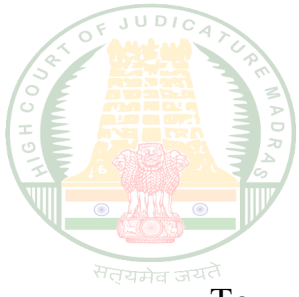
that the petitioner's prayer not acceptable and dismissed the same. In view of the same, the trial Court order to be confirmed and the petitioner/ A1 can be directed to face the trial in C.C.No.401 of 2019.

3. In view of the above, the trial Court is directed to proceed with the trial in C.C.No.401 of 2019 as against the petitioner and to complete the same within a period of three months from the date of receipt of a copy of this order, since finding that there are 7 witnesses and the case is of the year 2019.

4. With the above direction this Criminal Original petition is dispose of. Consequently, connected Miscellaneous Petition is closed.

21.01.2025

NCC : Yes/No
Index : Yes / No
Rmk



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- 1.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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