

Crl.OP(MD)Nos.6350, 10357 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**Crl.OP(MD)Nos.6350, 10357 of 2025
and
Crl.MP(MD)Nos.4596, 7747 of 2025**

R.Kaladevi

: Petitioner in both Crl.OPs

Vs.

**1.State of Tamilnadu,
Rep. by the Inspector of Police,
Palanichettipatti Police Station,
Theni District.
Cr.No.352 of 2018**

: R1 in both Crl.OPs

**2.The Director,
Central Bureau of Investigation,
3rd Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai – 600 006.**

: R2 in Crl.OP(MD)6350/2025

PRAYER in Crl.OP(MD)6350/2025: Petition filed under Section 528 BNSS

[482 CrPC] to call for the records relating to the charge sheet in SC.No.24 of



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2020, pending before the Fast Track Mahila Court, Theni and quash the same.

PRAYER in Crl.OP(MD)10357/2025: Petition filed under Section 528 BNSS [482 CrPC] to call for the records relating to the Non Bailable Warrant issued against the petitioner dated 02.04.2025 in SC.No.24 of 2020 and quash the same.

For Petitioner : Ms.R.Kaladevi (party-in-person)

For Respondents: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)
for R.1 in both Crl.OPs

COMMON ORDER

The petitioner / sole accused in SC.No.24 of 2020 on the file of the Fast Track Mahile Court, Theni, has filed the application in Crl.OP(MD)No. 6350 of 2025 to quash the proceedings pending against her in SC.No.24 of 2020.

2.According to the petitioner, she is a widow and the case in SC.No.24 of 2020 [Crime No.352 of 2018] is foisted as against her, at the instance of one Suresh, Inspector of Police.



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3.The prosecution case is that 25.06.2018 at about 06.00 am, when the petitioner's neighbor one Parameshwari was sprinkling water at her house's entrance, the petitioner said to have quarreled with the said Parameshwari. When Parameshwari's mother, Parvathy, intervened, the petitioner pushed her down. On account of that, Parvathy sustained injuries and fell down unconscious. Parvathy was taken to a Primary Health Centre, Veerapandi, by Parameshwari and one Valarmathi, through an Auto Rickshaw. From there, Parvathy was taken to Government Hospital, K.Vilakku, through 108 Ambulance. Parvathy was reported died at about 12.15 pm and therefore, on the complaint of Parameshwari, the case was registered as against the petitioner in Crime No.352 of 2018. After investigation, the respondent Police filed charge sheet and the same was taken on file in SC.No.24 of 2020, for the offence u/s.294b and 302 IPC, on the file of the Fast Track Mahila Court, Theni.

4.The petitioner has moved an application in Cr.MP.No.1022 of 2021 u/s.227 CrPC to discharge her from the criminal case in SC.No.24 of 2020.



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According to the petitioner, the trial Court has allowed the discharge petition in the open Court, however, the order copy was issued as if the discharge petition was dismissed. Therefore, she has moved Crl.OP(MD)No.6350 of 2025 as against the final report in SC.No.24 of 2020.

5.It appears that a non-bailable warrant of arrest was also issued as against the petitioner by the trial Court in SC.No.24 of 2020, dated 02.04.2025. The petitioner, as party-in-person, has filed Crl.MP(MD)No. 7426 of 2025 to dispense with the production of the certified copy of the warrant. Considering the facts and circumstances of the case and also considering the fact that the petitioner is contesting the case as party-in-person, this Court allowed the said application. When the main petition in Crl.OP(MD)No.10357 of 2025 challenging the non-bailable warrant of arrest came up for admission on 20.06.2025, it was represented that one Mr.CM.Arumugam, learned Counsel, has filed vakalath for the petitioner.

6.Since both the petitions in Crl.OP(MD)Nos.6350 & 10357 of 2025 pertain to the case in SC.No.24 of 2020, one for quashing the charge sheet



and one for quashing the non-bailable warrant of arrest, both these petitions are taken up together for hearing.

7.Today, the petitioner has appeared as party-in-person and made her submissions, as follows:-

- It is a case of accidental death and not a case of murder. However, at the instance of one Suresh, Inspector of Police, the case was registered for the offence u/s.302 IPC. The trial Court has also mechanically taken the final report on file.
- The deceased Parvathy was aged about 95 years, having age related ailments. She fell down, sustained injuries and during treatment, she died. It is not a case of intentional murder.
- There is no *mens rea* for the petitioner to commit the murder.
- Though the occurrence was said to have taken place at about 06.00 am, the complaint was lodged only at 03.00 pm.
- The deceased, immediately after the occurrence, was taken to a Primary Health Centre, instead of Government Hospital.
- The Driver who took the deceased to the Primary Health Centre in



the Auto Rickshaw was not examined.

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- The discharge petition filed by this petitioner was allowed in the open Court, however, it has been recorded in the order as dismissed by the Translator of the Court.

The petitioner has also made certain other grounds, which may not be relevant for deciding the issue on hand.

8.Learned Government Advocate (Crl. Side), by referring the order passed in Cr.MP(MD)No.1022 of 2021, submitted that the petitioner has already filed a discharge application before the trial Court and lost it. Instead of challenging the same, the petitioner has filed the application to set aside the final report before this Court. Insofar as the non-bailable warrant of arrest is concerned, learned Government Advocate took this Court through the number of hearings granted by the trial Court for framing charges.

9.This Court considered the rival submissions made on either side and perused the materials placed on record.



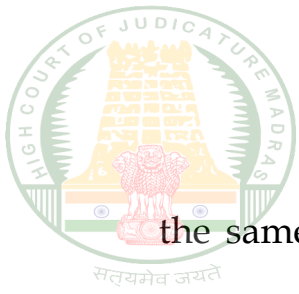
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10.The petitioner is facing a trial for the offence u/s.302 IPC. The occurrence took place in the year 2018 and the final report was also filed in the year 2018. Though the case was committed to the Court of Sessions in the year 2020, the case is still pending at the stage of framing of charges.

11.Perusal of the Diary extract shows that the case was posted for framing of charges on 23.07.2021. Nearly after four hearings, the petitioner has filed an application for discharge on 13.10.2021. For the counter in the discharge application, the case was posted for several hearings and it was finally dismissed on 31.01.2024. Thereafter, the case was posted for framing of charges on 02.03.2024. It was adjourned for more than 15 hearings.

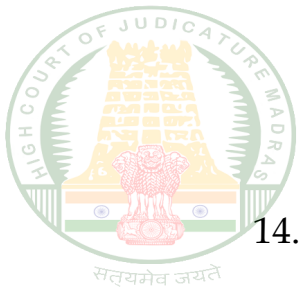
12.It appears that the petitioner has applied for exemption from appearance from 25.03.2025. The petitioner, claiming that she is taking treatment from K.Vilakku Hospital, sent a petition through email to the trial Court seeking exemption for her appearance. Even according to the petitioner, she took treatment at the Hospital as an Outpatient. However,



the same was accepted by the trial Court and the case was adjourned to

26.03.2025. Again an email communication was made by the petitioner seeking exemption and that was also considered by the trial Court and finally, the petitioner was directed to appear on 24.04.2025 for framing of charges. However, she has not appeared and therefore, a non-bailable warrant of arrest was issued as against her.

13.The Court is not a forum solely for the accused. It must also be mindful of the rights and concerns of the victim. Allowing proceedings to be delayed at the behest of the accused would be contrary to the interests of justice. For a murder case, which was registered in the year 2018 and final report was also filed in the year 2018, charges are yet to be framed. Therefore, the trial Court is justified in posting the matter on day-to-day basis for the purpose of framing of charges and issuing non-bailable warrant of arrest as against the petitioner and this Court does not find any error in the same.



14.As against the dismissal of the discharge application filed by the petitioner u/s.227 CrPC, she is having a revisional remedy to question it.

The application was dismissed on 31.01.2024 and the petitioner has not taken any steps so far, however, filed this original petition before this Court in the month of February, 2025, to quash the charge sheet. Whether it is a case of murder or a case of accidental death, it can be decided only during the trial. Apart from the complainant, there are five eye witnesses in this case. Therefore, this Court is not inclined to entertain the application to set aside the final report.

15.The petitioner shall appear before the trial Court on **07.07.2025**. On such appearance, the trial Court shall take up the case on that day itself; recall the non-bailable warrant of arrest and also frame the charges. The petitioner has to co-operate with the trial Court. The trial Court shall also get concurrence of the petitioner and appoint an experienced Counsel as legal aid Counsel to defend her case.



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Accordingly, both the original petitions stand dismissed.

Consequently, connected miscellaneous petitions are closed.

Internet : Yes
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23.06.2025

To

- 1.The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
- 2.The Judge,
Fast Track Mahila Court,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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