



Crl.O.P(MD)No.5036 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5036 of 2025

P. Thangavelu

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(In Crime No. 1227 of 2020).

... Respondent

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the learned Judicial Magistrate, Thirumangalam to commit the case in P.R.C. No. 109 of 2023 U/s. 341, 114, 148, 149, 302 and 109 r/w 120 of IPC pending committal as against the Accused No. 7 Jeyanthan S/o. Namasivayam and Accused No. 12.

For Petitioner : Mr.S.Ashok

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Thirumangalam to commit the case in P.R.C. No. 109 of 2023 U/s. 341, 114, 148, 149, 302 and 109 r/w 120 of IPC pending for committal as against the Accused No. 7 Jeyanthan S/o. Namasivayam and Accused No. 12.

2. According to the petitioner, he is the de facto complainant in this case. Based on the complaint given by the petitioner, a case has been registered against the accused persons for murder of her husband. Initially, the case was taken on file before the Judicial Magistrate Court, Thirumangalam in PRC No.4 of 2022. Due to absence of accused No. 7 and 12, the case against them was split up from the mother case in PRC No.109 of 2023 and thereafter, the mother case was committed to the Sessions Court in SC No.685 of 2023 on the file of V Additional District and Sessions Judge, Madurai. However, due to the pendency of NBW against A7 and A12, the case in PRC No.109 of 2023 is pending without any progress.



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3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that due to NBW pending against A7 and A12, the case has been split up from its mother case and the same is pending in PRC No.109 of 2023. Already, mother case in PRC No.4 of 2022 was committed to Sessions Court and pending in SC No. 685 of 2023. The respondent police is also taking effective steps to execute the non-bailable warrant against A7 and A12 and they will also initiate appropriate steps for proclamation, in accordance law.

4.Since the prayer of the petitioner is to direct the Judicial Magistrate to commit the case in PRC No.109 of 2023 and the respondent police also taking steps to execute NBW against A7 and A12, it is for the trial Court to take appropriate steps as against A7 and A12 in accordance with law including proclamation and to lodge the case as long pending case.



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5.With the above observations and direction, this Criminal

Original Petition is disposed of.

19.03.2025

Internet :Yes

Index :Yes/No

NCC :Yes/No

PNM

To

1.The Judicial Magistrate, Thirumangalam

2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(In Crime No. 1227 of 2020).

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

PNM

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