



CRL.OP(MD) No.7560 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD) No.7560 of 2025

1. Muthulakshmi

2. Muthumari

Vs.

... Petitioners

1. The State of Tamil Nadu,
Represented by the Sub Inspector of Police,
Central Crime Branch,
Madurai City.
Crime No.66 of 2014.

2. R. Sivakumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the impugned docket order dated 15.04.2025 in CrI.M.P.No.1579 of 2025 in CrI.R.P.No.5 of 2025 on the file of the Learned VI Additional District and Sessions Judge, Madurai.



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CRL.OP(MD) No.7560 of 2025

For Petitioners : Mr.D.Venkatesh
for Mr.M.P.Senthil
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R2 : Mr.R.Alagumani

ORDER

This petition has been filed by the petitioners to set aside the impugned docket order dated 15.04.2025 in Crl.M.P.No.1579 of 2025 in Crl.R.P.No.5 of 2025 on the file of the learned VI-Additional District and Sessions Judge, Madurai.

2. The learned counsel appearing for the petitioners would submit that the 1st accused is the father of the petitioners and the 2nd respondent/defacto complaint. In order to harass the petitioners and other accused, the defacto complainant lodged a false complaint by giving a criminal colour to the civil dispute. Based on the same, the 1st respondent police has registered a case in Crime No.66 of 2014 for the offences under Sections 406, 420, 468, 471 read with Section 120 of IPC. Thereafter, the 1st respondent without conducting a proper investigation has filed the final report in C.C.No.81 of 2015 and the same is pending before the Judicial



CRL.OP(MD) No.7560 of 2025

Magistrate No.I, Madurai. While so, the petitioners have filed a discharge

petition in CrI.M.P.No.3509 of 2016 and the same was dismissed by an order dated 04.10.2024. Against which, the petitioners have filed a Cr.R.P.No.5 of 2025 on the file of the learned VI-Additional District and Sessions Judge, Madurai and they have also filed a petition for stay through CrI.M.P.No.1579 of 2025 to stay the proceeding in C.C.No.81 of 2015 on the file of the Judicial Magistrate No.I, Madurai. The learned Sessions Judge has granted interim stay on 09.04.2025 and the matter was adjourned to 03.06.2025. The C.C.No.81 of 2015 was originally posted on 15.04.2025 from 26.02.2025. But all of a sudden the petitioners received summons on 05.04.2025 to appear on 07.04.2025 before the Judicial Magistrate No.1, Madurai. They also appeared and the case was posted on 08.04.2025. On the very next day, the petitioners and other accused were presented on 08.04.2025 and the copies of the final report were furnished and the case was posted on 09.04.2025 for questioning. On 09.04.2025, charges were framed and the case was posted for examination of L.W.1 to L.W.6.

3. The learned counsel would further submit that the petitioners were under impression that the matter will be taken up for hearing on



CRL.OP(MD) No.7560 of 2025

03.06.2025. In the mean time, on 15.04.2025, afternoon, the Advocate for

the petitioners received messages from e-Court Services by stating that

“Crl.M.P.No.1579 of 2025-In the result, as per the Suo-Motu proceedings, the stay order passed by the learned Sessions Court in Crl.M.P.No.1579 of 2025 is set aside and Crl.M.P.No.1579 of 2025 dated 09.04.2025 is closed. Crl.R.P.No-as per the Suo Motu taken up. As per the order dated 15.04.2025 in Crl.M.P.No.1579 of 2025 is closed call on 03.06.2025”.

The Advocate of the petitioners was shocked and surprised to see the order and immediately informed the petitioners. The learned Sessions Judge without any intimation and without any notice to the parties on suo-motu vacated the interim order granted by the Sessions Court on 09.04.2025, when it was posted for enquiry on 03.06.2025. Therefore, without giving any opportunity, the learned Sessions Judge passed the docket order and the same is under challenge.

4. The learned Government Advocate (Criminal Side) appearing for the 1st respondent would submit that based on the complaint lodged by the 2nd respondent, they registered a case in a case in Crime No.66 of 2014 for the offences under Sections 406, 420, 468, 471 read with Section 120 of IPC. Thereafter, they filed the final report and the Trial Court has taken



CRL.OP(MD) No.7560 of 2025

cognizance in C.C.No.81 of 2015 and the case is now posted for trial after framing charges. Before framing charges, the petitioners have filed a petition for discharge and the same was dismissed and they filed revision before the Sessions Court and the same is also pending.

5. The learned counsel appearing for the 2nd respondent would submit that the petitioners have already filed a petition before the Judicial Magistrate Court No.I, Madurai for discharge and the same was dismissed. Against which, they filed the criminal revision and the same is pending in Crl.R.P.No.5 of 2025 before the learned VI-Additional District and Sessions Judge, Madurai. In the meantime, the learned Sessions Judge has passed an order dated 15.04.2025 and the same is under challenge without any basis. The learned Judge has passed an order by vacating the stay order by sou-motu. Therefore, only to delay the proceedings, the petitioners have filed this petition and the same is liable to be dismissed.

6. This Court heard both sides and perused the records.

7. According to the petitioners, the learned VI-Additional District



CRL.OP(MD) No.7560 of 2025

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and Sessions Judge has already granted interim stay through the order dated 09.04.2025 in CrI.M.P.No.1579 of 2025 in CrI.R.C.No.5 of 2025 and thereafter, without any intimation or notice to the parties through sou-motu proceedings has vacated the interim stay and the same has also not been denied by the 2nd respondent. Once the stay was granted after hearing the parties, the Court cannot alter the order without giving opportunity to the parties. However, after an elaborate arguments, the learned counsel for the petitioners has fairly conceded that since the case is pending before the Trial Court at the stage of trial and they also challenging the dismissal of the discharge petition, without going into the merits of the petition, they prayed to direct the Revision Court to dispose of the revision petition within one month, till such time, the trial proceedings before the Trial Court may be stayed. The 2nd respondent has also not seriously objected for the suggestion made by the learned counsel for the petitioners. Therefore, this Court without going into the merits of the petition, recording the above said submissions directs the learned the VI-Additional District and Sessions Court, Madurai, to dispose of the case in Cr.R.P.No.5 of 2025 within a period of one month from the date of receipt of copy of this order. Till the disposal of the criminal revision petition, there shall be an order of stay for further proceedings before the



CRL.OP(MD) No.7560 of 2025

Trial Court, namely, the Judicial Magistrate Court No.I, Madurai.

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8. With the observations and directions, this criminal original petition is disposed of.

24.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The VI-Additional District and Sessions Court, Madurai
2. The Judicial Magistrate Court No.I, Madurai.
3. The Sub Inspector of Police,
Central Crime Branch,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL.OP(MD) No.7560 of 2025

P.DHANABAL, J.

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CRL. OP(MD) No.7560 of 2025

24.04.2025