



CrI.O.P.(MD)No.10121 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.10121 of 2025
and
CrI.M.P.(MD)Nos.7501 & 7502 of 2025

1.K.Prabhakaran

2.S.Santhanaselvam

... Petitioners

Vs.

1.The Sub-Inspector of Police,
Central Crime Branch,
Madurai District.
(Crime No.14 of 2003)

2.P.Mathirani

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records pursuant to the proceedings in the impugned Charge Sheet in C.C.No.81 of 2006 pending before the learned Judicial Magistrate-I, Madurai and quash the same as illegal.

For Petitioner

: Mr.M.Iniyavan

For R1

: Mr.A.S.Abul Kalaam Azad,
Government Advocate(CrI.side)



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ORDER

The petitioners, who are arrayed as A1 & A2 in C.C.No.81 of 2006 on the file of the learned Judicial Magistrate No.I, Madurai, have filed this petition to quash the said proceedings.

2.The allegation as against the petitioners is that the first petitioner impersonated the second petitioner and has written the 12th std examination on behalf of the second petitioner. The occurrence was said to have taken place in the year 1998 and case was registered in the year 2003, based on the complaint forward by the Director of School Education. It appears that the final report filed was in the year 2006 and the case is pending for trial for the past 20 years. At this juncture, the petitioner have filed the present petition to quash the above said proceedings.

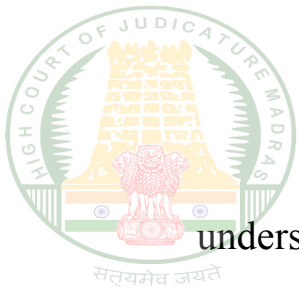
3.The learned counsel appearing for the petitioners submits that there are no material available as against the petitioners and hence, he prays to quash the impugned proceedings.



WEB COPY 4.The learned Government Advocate(Crl.side) appearing for the first respondent submits that the petitioners have evaded the trial from the year 2019 to 2025 and therefore, non-bailable warrant was issued as against them. The petitioners have surrendered recently and now the warrant was recalled. According to the learned Government Advocate(Crl.side), there are materials available that the first petitioner has written the examination on behalf of the second petitioner. He has also relied on the hall ticket, based on which, examination has been written by the first petitioner. The statement of the Headmaster of the School was also against the petitioners. Therefore, he prays for dismissal.

5.This Court has considered the rival submissions made on either side and perused the materials available in the record.

6.This Court is of the view that the grounds raised in the petition can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition. Accordingly, this criminal original petition is dismissed with liberty to raise all the grounds, which are all raised in this petition, before the trial Court. This Court is unable to



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understand the manner in which the trial has been delayed for the past 20 years and therefore, this Court directs the learned Judicial Magistrate No.I, Madurai to conduct the trial in day-to-day basis and complete the same, within a period of three months from the date of receipt of a copy of this order. The petitioners are expected to co-operate trial for its conclusion as directed by this Court. Consequently, connected miscellaneous petitions are closed.

17.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To
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- 1.The Judicial Magistrate No.I, Madurai.
- 2.The Sub-Inspector of Police,
Central Crime Branch,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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