

Crl.O.P.(MD)No.12718 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 29.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12718 of 2025 and

Crl.MP(MD) No.9968 of 2025

S.Iyappan

... Petitioner

Vs

1. Muthalagan
2. Vasanth
3. Thangapandian
4. Rajalingam

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to set aside the cryptic order passed in Crl.M.P.No.13/2025 in C.C.No. 107/2012 on the file of the Learned Judicial Magistrate No.III, Nagercoil dated 14.07.2025 and allow this Criminal Original Petition.

For Petitioner : Mr. M.S.Suresh Kumar

ORDER

The petitioner appears to have lodged a complaint under Section 200 of Cr.P.C, before the learned Judicial Magistrate No.III, Nagercoil and the same has been entertained by the learned Judicial



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Magistrate in the year 2012 in CC No.107 of 2012. The petitioner has filed an application in MP No.13 of 2025, under Section 311 of Cr.P.C, to examine some of the witnesses, in the year 2025. The said application was dismissed by the learned Magistrate, by his order, dated 14.07.2025. As against that order, the petitioner has moved this petition.

2.The learned counsel for the petitioner submits that on the side of the petitioner, seven witnesses have already been examined. Intending to examine 3 more witnesses, the petitioner has filed an application. Without considering the relevance of the witnesses to the case, the learned Judicial Magistrate has erroneously dismissed that application. According to him, he must be provided an opportunity to examine the new witnesses.

3.This Court considered the submissions of the learned counsel for the petitioner and perused the orders passed by the learned Judicial Magistrate No.II, Nagercoil in MP.No.13 of 2025, dated 14.07.2025.

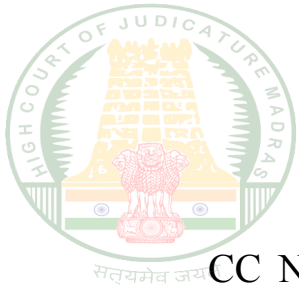


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4.It appears that this petitioner has lodged a private complaint, under Section 200 of Cr.P.C and the same was taken on file in CC No.107 of 2012. When he lodged a complaint under Section 200 of Cr.P.C, it is the responsibility of the petitioner to produce the witnesses without much delay. However, this petitioner has dragged on the proceedings for the past 15 years and now filed an application to examine three more witnesses. The learned Judicial Magistrate has rightly dismissed that application, observing that the petitioner has not stated any valid reasons as to why those witnesses have not been cited earlier. It is very unfortunate that the trial Court has kept the private complaint proceedings pending for over 15 years. This Court is of the view that pendency of a private complaint proceedings initiated under Section 200 of Cr.P.C for 15 long years amounts to a harassment to the accused.

5. In view of the above, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed. The trial Court is directed to conclude the proceedings in



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CC No.107 of 2012 within a period of one month from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

29.07.2025

NCC : Yes/No
Index : Yes/No
vrn

To
The Judicial Magistrate No.III, Nagercoil.



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B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD)No.12718 of 2025 and
Crl.MP(MD) No.9968 of 2025

29.07.2025