



Crl.O.P.(MD)No.13208 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13208 of 2025 and
Crl.MP(MD) Nos.10438 & 10439 of 2025

Malathi

... Petitioner

Vs

1.The State of Tamil Nadu,
The Inspector of Police,
District Crime Branch,
Thanjavur.
(Crime No. 4/2010).

2.B.Veeramani

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned Charge Sheet in C.C.No. 244 of 2014, on the file of Judicial Magistrate Court No.I, Thanjavur and quash the same as illegal with respect to the petitioner is concerned.

For Petitioner	: Mr.Sankar. S,
For R1	: Mr.A.S.Abul Kalaam Azad Government Advocate (Crl. Side)



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Crl.O.P.(MD)No.13208 of 2025

ORDER

The petitioner/accused in CC No.244 of 2014 pending on the file of the learned Judicial Magistrate No.I, Thanjavur has approached this Court to quash the above proceedings, on the ground of delay in trial.

2. The learned counsel appearing for the petitioner submits that the case in Crime No.4 of 2010 was registered as against the petitioner and other accused for the offence under Sections 120(b), 406, 420, 465, 467, 468, 471 r/w 34 of IPC. On completion of investigation, final report was filed and the same was taken on file in CC No.244 of 2014 by the learned Judicial Magistrate No.I, Thanjavur. However, the trial has not been commenced so far. The learned counsel by relying upon the Judgment of the Honourable Supreme Court including the Constitution Bench submits that the delay in trial can be a ground for quashing the proceedings and therefore, the proceedings in the above case has to be quashed. The learned counsel further submits that the petitioner is a Government servant and due to pendency of the above



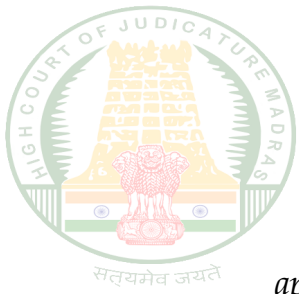
Crl.O.P.(MD)No.13208 of 2025

WEB COPY

case, she has been suspended at the verge of her retirement. He further submits that the personal appearance of the petitioner before the trial Court may be dispensed with, as the petitioner, being a Government servant finds it very difficult to appear before the trial Court.

3.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl. Side), who takes notice for the first respondent even at the time of admission is equipped with the judgment of the Honourable Supreme Court in ***Ranjan Dwivedi & another vs. CBI***, reported in ***2012 (5) CTC 83*** and submits that it is not an usual affair that if there is any delay in trial, the case can be quashed. The nature of offence and other circumstances in a given case have to be considered before quashing the proceedings. The relevant portion from the above judgment is extracted as under:-

“9.Ordinarily speaking, where the court comes to the conclusion that right to speedy trial of an accused has been infringed the charges or the conviction, as the case may be, shall be quashed. But this is not the only course open. The nature of the offence and other circumstances in a given case may be such that quashing of proceedings may not be in the interest of justice. In such a case, it is open to the court to make such other



Crl.O.P.(MD)No.13208 of 2025

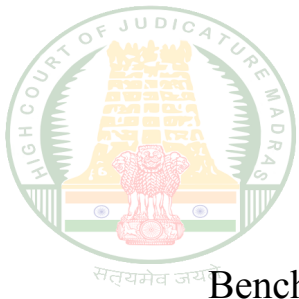
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appropriate order - including an order to conclude the trial within a fixed time where the trial is not concluded or reducing the sentence where the trial has concluded - as may be deemed just and equitable in the circumstances of the case.

11.An objection based on denial of right to speedy trial and for relief on that account, should first be addressed to the High Court. Even if the High Court entertains such a plea, ordinarily it should not stay the proceedings, except in a case of grave and exceptional nature. Such proceedings in High Court must, however, be disposed of on a priority basis."

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner one of the accused in CC No.244 of 2014, on the file of the learned Judicial Magistrate No.I, Thanjavur has approached this Court, to quash the above proceedings pending as against her, on the ground of delay in trial. The petitioner claims that the delay in trial can be a valid ground to quash the proceedings in a criminal case, for which, the learned counsel has relied on some judgments of the Honourable Supreme Court including the Constitution



Crl.O.P.(MD)No.13208 of 2025

WEB COPY

Bench. However, he is not equipped with the judgment relied on by him. Moreover, the petitioner has not raised the ground of delay in trial in the affidavit filed in support of this petition. On the side of the respondent, a stand has been taken by citing the judgment of the Honourable Supreme Court as stated supra that on the ground of delay in trial alone, the cases cannot be quashed and the facts and circumstances of each and every case also have to be considered. In view of the above, this Court is not inclined to entertain this petition. When this Court is about to dismiss this Criminal Original petition, the learned counsel seeks permission of this Court to file a fresh petition as he has not raised the grounds in a proper manner.

6. Accordingly, this Criminal Original Petition is dismissed with liberty to file a fresh petition with proper grounds along with the necessary documents. Insofar as the request of this petitioner for dispensing with her personal appearance before the trial Court is concerned, this Court is of the view that it is upto the petitioner to file necessary application, under Section 228 of BNSS (205 of Cr.P.C), before the concerned Court and if the Court is satisfied with the reasons



Crl.O.P.(MD)No.13208 of 2025

WEB COPY

assigned therein and it is up to the trial Court to take a call, on the request of this petitioner for dispensing her personal appearance during the trial. Consequently, connected Miscellaneous Petitions are closed.

07.08.2025

NCC : Yes/No
Index : Yes/No
vrn

To

- 1.The Judicial Magistrate Court No.I, Thanjavur
- 2.The Inspector of Police,
District Crime Branch,
Thanjavur.



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Crl.O.P.(MD)No.13208 of 2025

B.PUGALENDHI, J.

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