



Crl.O.P.(MD) No.15002 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.09.2025

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL.O.P (MD) No.15002 of 2025

Swathipriya

... Petitioner

Vs

**The State of Tamil Nadu,
Rep By, The Inspector of Police,
All Women Police Station,
Devakottai,
Sivagangai District.
Cr.No.08 of 2022.**

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS praying to direct the Judicial Magistrate Court, Devakottai, Sivagangai District, to expedite the Trial in C.C.No.26 of 2024 within stipulated time fixed by this Court.

For Petitioner : Mr.S.Sathyachidambaram,

**For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor**



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ORDER

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The Petition is filed to direct the Judicial Magistrate, Devakottai, Sivagangai District, to expedite the trial in C.C.No.26 of 2024.

2. The petitioner is the defacto complainant in the case in C.C.No.26 of 2024, pending before the trial Court, for the offences under Sections 294(b), 498(A) I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. The learned Additional Public Prosecutor, on instructions, would submit that the case is posted today (i.e.11.09.2025) for furnishing copies to the accused.

The Hon'ble Supreme Court in the case of ***High Court Bar Association, Allahabad V. State of Uttar Pradesh and others*** reported in ***2025-6-SCC-267***, wherein held as follows:

“41. Apart from dealing with huge arrears, our trial courts face the challenge of dealing with a large number of cases made time-bound by our



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constitutional courts. Therefore, in the ordinary course, the constitutional courts should not exercise the power to direct the disposal of a case before any District or trial court within a time span. In many cases while rejecting a bail petition, a time limit is fixed for disposal of trial on the ground that the petitioner has undergone incarceration for a long time without realising that the trial court concerned may have many pending cases where the accused are in jail for a longer period. The same logic will apply to the cases pending before the High Courts. When we exercise such power of directing High Courts to decide cases in a time-bound manner, we are not aware of the exact position of pendency of old cases in the said courts, which require priority to be given. Bail petitions remain pending for a long time. There are appeals against conviction pending where the appellants have been denied bail.

42. Therefore, constitutional courts should not normally fix a time-bound schedule for disposal of cases pending in any court. The pattern of pendency of various categories of cases pending in every court, including High Courts, is different. The situation at the grassroots level is better known to the Judges of the courts concerned. Therefore, the issue of giving



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out-of -turn priority to certain cases should be best left to the courts concerned. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.

43. There is another important reason for adopting the said approach. Not every litigant can easily afford to file proceedings in the constitutional courts. Those litigants who can afford to approach the constitutional courts cannot be allowed to take undue advantage by getting an order directing out-of-turn disposal of their cases while all other litigants patiently wait in the queue for their turn to come. The courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other courts by directing that only certain cases should be decided out of turn within a time-frame. In a sense, no court of law is inferior to the other. This Court is not superior to the High Courts in the judicial hierarchy. Therefore, the Judges of the High Court should be allowed to set their priorities on a rational basis. Thus, as far as setting the outer limit is concerned, it should be best left to the courts concerned unless there are very extraordinary circumstances.”



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4. In view of the decision of the Hon'ble Supreme Court, there cannot be any direction to the Magistrate to complete the trial within a stipulated period. However, considering the fact that the case arises out of a matrimonial dispute, the learned trial Judge may consider the request of the petitioner to dispose of the case in C.C.No.26 of 2024 as expeditiously as possible.

5. With the above observation, this Criminal Original Petition is disposed of.

11.09.2025

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
LS

To

1.The Judicial Magistrate,
Devakottai, Sivagangai District.

2.The Inspector of Police,
All Women Police Station
Devakottai, Sivagangai District.

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SUNDER MOHAN, J.

LS

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

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