



CRL.OP(MD). No.22043 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.22043 of 2023

and

CRL.MP(MD). Nos.17261 and 17262 of 2023

1.M.Nanthagokul

2.Gogilavani

... Petitioners /Accused Nos.2&3

Vs.

1.The State rep by,
The Sub Inspector of Police
Bazzar Police Station,
Ramanathapuram,
Ramanathapuram District.

... 1st Respondent /
Complainant

2. Manickam

... 2nd Respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records relating to C.C.No.295 of 2022 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram District in connection with case in Crime No.435 of 2021 under Sections 294(b), 323, 324 of IPC



CRL.OP(MD). No.22043 of 2023

and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 dated 30.11.2021.

For Petitioners : Mr.D. Balamurugapandi
For R1 : Mr.B.Thanga Aravindh,
Government Advocate
(Crl. Side)
For R2 : Mr. D.Packiaraj

ORDER

This petition has been filed to quash the proceedings pending in C.C.No.295 of 2022 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram.

2. When the matter came up for hearing on 05.12.2024, this Court passed the following order:-

“Mr.B.Thanga Aravindh, learned Government Advocate takes notice for the first respondent. Notice to the second respondent returnable by 19.12.2024. Private notice is also permitted.

2.A prima facie case has been made out by the petitioners and hence, there shall be a stay of



CRL.OP(MD). No.22043 of 2023

proceedings in C.C.No.295 of 2022 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanthapuram, pending disposal of this case. The presence of the petitioners is also dispensed with until further orders.

3.The learned Government Advocate submitted that there was a case and counter-case registered in Crime Nos.435 and 436 of 2021. Insofar as Crime No. 435 of 2021, it resulted in the final report which was taken on file in C.C.No.295 of 2022. Insofar as Crime No.436 of 2021, it resulted in C.C.No.1503 of 2021, before the learned Judicial Magistrate No.1, Ramanathapuram. These two cases cannot be conducted by different Courts and both the cases will have to be clubbed together and heard by the same Judge. In view of the same, there shall be a stay of proceedings in C.C.No.1503 of 2021, pending disposal of this case.

4.Post the case on 19.12.2024.”



CRL.OP(MD). No.22043 of 2023

3. Pursuant to the above order, notice has been served on the 2nd respondent and the 2nd respondent is now represented through a counsel.

4. Heard the learned counsel on either side and perused the materials available on record.

5. In the instant case, both the proceedings arise out of a case and counter case arising out of the same incident which was registered as Crime Nos.435 and 436 of 2021. In view of the same, there is no question of interfering with one case and permitting the other case to continue. Both the cases will have to be tried by the same Court in accordance with the guidelines issued by the Full Bench of this Court ***T.Balaji and Another -vs- The State represented by the Inspector of Police, Chennai and Another*** reported in ***2024 (2) LW (Crl) 175***.

6. In view of the above, the proceedings pending in C.C.No.295 of 2022 before the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram is transferred to the file of the learned Judicial Magistrate No.I, Ramanathapuram to be taken up along with C.C.No.



CRL.OP(MD). No.22043 of 2023

1503 of 2020. The learned Judicial Magistrate No.I, Ramanathapuram shall deal with both these cases in accordance with the guidelines given by the Full Bench of this Court in **T.Balaji** case referred supra. The proceedings shall be completed within a period of 4 months from the date of receipt of a copy of this order. All the grounds raised can be raised before the Trial Court and the same will be considered on its own merits and in accordance with law.

7. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel. The petitioners shall be present before the Court at the time of framing of charges and at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment. The counsel representing the petitioners shall cross examine the witnesses on the same day they are examined in Chief.



CRL.OP(MD). No.22043 of 2023

8. This criminal original petition is disposed of in the above terms.

Consequently, the connected miscellaneous petitions are closed.

03.01.2025

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

pal

To

1. The Judicial Magistrate,
Additional Mahila Court,
Ramanathapuram.
2. The Judicial Magistrate No.I,
Ramanathapuram.
3. The Sub-Inspector of Police
Bazzar Police Station,
Ramanathapuram,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL.OP(MD). No.22043 of 2023

N.ANAND VENKATESH,J.

pal

Order made in
CRL.OP(MD). No.22043 of 2023

03.01.2025