



CRL OP(MD). No.17286 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 14/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.17286 of 2025

and

Crl.M.P(MD) Nos.14060 and 14063 of 2025

1. Palanisamy

2. Ramesh

3. Bharathi,

... Petitioners

Vs

A. Ayisha Ammal

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to proceedings pending in Crl.M.P. No. 189 of 2025 on the file of the Learned Judicial Magistrate Court, Bodinaickanur and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.R.Aravindan

ORDER

The petitioner seeks to quash the proceedings pending in Crl.M.P. No.189 of 2025 before the learned Judicial Magistrate, Bodinaickanur, filed by the respondent for the offence under Section 226 BNS.



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2.The allegation in the complaint filed by the respondent is that the petitioner, who had suffered a civil Court decree, had not permitted the Court bailiff to execute the decree; that the petitioner threatened to commit suicide and thus, committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the Court is yet to take cognizance of the offences; that the respondent had suppressed the fact that the petitioner had challenged the execution proceedings; that this Court, by order dated 23.01.2025 in C.R.P(MD) No.3014 and 3015 of 2024, had directed that the proceedings in E.A.No. 288 of 2025 before the learned Subordinate Judge, Bodinayakanur, to be kept in abeyance; that the respondent, in an affidavit filed on 29.01.2025 before the learned Magistrate, had suppressed the fact that the further proceedings in E.A.No.288 of 2025 were kept in abeyance pursuant to the direction of this Court and that the impugned prosecution is therefore attended with mala fides and cannot be sustained.

4.Admittedly, the learned Magistrate is yet to take cognizance of the offence and the case is at the stage of pre-cognizance enquiry.



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Since the fact that the proceedings were kept in abeyance by this Court in C.R.P(MD) No.3014 and 3015 of 2024, as mentioned above, has not been brought to the learned Magistrate, this Court is of the view that the petitioner may raise his objection before the learned Magistrate and the learned Magistrate may consider the same in accordance with law and pass appropriate orders without being influenced by any of the observations in this order.

5.Considering the fact that the petitioners 1 and 3 are aged about 70 and 65 years, their personal appearance for the pre-cognizance enquiry before the trial Court is dispensed with and they may be represented by their counsel.

6.With the above observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

14.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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SUNDER MOHAN,J

CP

To
The Judicial Magistrate,
Bodinaickanur.

ORDER
IN
CRL OP(MD) No.17286 of 2025

Date : 14/10/2025