



CRL OP(MD). No.17694 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 15/10/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.17694 of 2025
and
CrI.M.P(MD) No.14464 of 2025

R.Karmegam

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
S.S.Colony Police Station,
Madurai.
(In Crime No.485 of 2016).

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned V Additional District Judge, Madurai, to keep in abeyance all further proceedings in SC No.28 of 2023 pending on the file of the learned V Additional District Judge, Madurai, till the disposal of the protest petition filed by the petitioner in Cr.M.P.No.6374 of 2024 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai.



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For Petitioner : R.Manoharan,
Advocate.

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

For Intervenor : Mr.J.Pandi Durai

ORDER

The petitioner seeks a direction to the learned V Additional District Judge, Madurai, to keep in abeyance all further proceedings in S.C.No.28 of 2023 till the disposal of his protest petition filed in Crl.M.P.No.6374 of 2024.

2.According to the petitioner, he is facing trial before the learned V Additional District Judge, Madurai, for the offences under Sections 147, 294(b) 448, 323, 307, 506(2), 120B of IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992; that he had lodged a complaint against the defacto complainant and others in Crime No.492 of 2016, which was registered for the offences under Sections 147, 148, 341, 307, 506(2), 120B of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss)



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Act; that the said complaint was closed; that therefore, the petitioner had filed a protest petition; that on the application made by the accused therein, further proceedings in the protest petition were stayed by this Court in Crl.O.P(MD) No.5278 of 2025 and that the same is still pending; that if the protest petition of the petitioner is not considered, his valuable right to place all the facts before the trial Court would be denied and therefore, has sought for stay of the proceedings in S.C.No.28 of 2023

3.The learned Additional Public Prosecutor appearing for the respondent police, per contra, would submit that the petitioner and the other accused were the aggressors; that by following PSO, the complaint filed by the petitioner was closed; that the case is now posted for judgment on 07.11.2025 and therefore, the proceedings cannot be stayed.

4.This Court is of the view that the request of the petitioner to stay the proceedings at this stage cannot be entertained. The petitioner could have brought his complaint on record during cross examination of the investigating officer.



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5. The learned counsel for the petitioner would rely upon the observation made by the Full Bench of this Court in the case of T.Balaji and Ors vs The State and Ors reported in MANU/TN/4665/2024, which reads as follows:

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iii. Where a final report is filed in one case and a closure report in the other case, the Magistrate will follow the procedure in Bhagwant Singh V. Commr. Of Police, MANU/SC/0063/1985: 1985:INSC:103: (1985) 2 SCC 537. Till a decision in the protest petition is arrived, the inquiry or the trial in the pending case where the final report has been filed shall be kept in abeyance.

6. The impugned proceedings are now at the stage of judgment and the direction that was issued by the Full Bench of this Court pertains to a stage where enquiry or trial is pending at the initial stage. Therefore, this Court is not inclined at this stage to interfere or stay the proceedings.

7. It is also seen that the petitioner had also filed similar memo and the same was rejected by the trial Court vide order dated 09.10.2025. The petitioner has not chosen to challenge the said order also. Further, though



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the petitioner claims that a protest petition is pending, he has not chosen to take effective steps to ensure early disposal.

8.Hence, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

15.10.2025

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

1.V Additional District Judge, Madurai.

2.The Judicial Magistrate,
Additional Mahila Court,
Madurai.

3.The Inspector of Police,
S.S.Colony Police Station,
Madurai.



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SUNDER MOHAN,J

CP

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

ORDER
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Date : 15/10/2025