



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 6153 of 2026

Mohanapriya

..Petitioner

Vs.

The State rep. by
The Station House Officer,
All Women Police Station,
Puducherry.

..Respondent

Prayer: Criminal Original Petition under Section 482 of Cr.P.C. to issue a direction to the learned Chief Judicial Magistrate, Puducherry, to complete the trial in C.C. No. 818 of 2023 expeditiously within such time as this Court may deem fit and proper.

For Petitioner :: Mr.R.Saravanan

For Respondent :: Mr.M.V. Ramachandramurthy
Public Prosecutor,
Govt. of Puducherry assisted by
Mr.M. Thamizhamani



ORDER

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This criminal original petition is filed seeking a direction to the learned Chief Judicial Magistrate, Puducherry, to complete the trial in C.C. No. 818 of 2023 expeditiously.

2. The contention of the petitioner is that she had lodged a complaint and a case in Crime No. 1 of 2021 was registered for offences under Sections 294(b), 498-A 354-B and 506(ii) read with Section 34 IPC and Section 3 of Dowry Prohibition Act, 1961 against nine persons, who are her estranged husband and other family members. After investigation, the charge sheet was filed before the learned Chief Judicial Magistrate on 1.12.2023 for offences under Sections 294(b), 498-A, 506(ii), 509 r/w 34 IPC and Section 3 of Dowry Prohibition Act, 1961. Thereafter, the case, which was taken on file as C.C. No. 818 of 2023, was kept pending without any progress. In the meanwhile, the accused had filed a discharge petition in CrI.M.P. No. 4 of 2024 in C.C. No. 818 of 2023, which was dismissed on 27.02.2025. Later, the case was transferred to the file of Judicial Magistrate, Mahila Court, (Magistrate Level), Puducherry, on 05.05.2025. Thereafter, the trial did not progress. The petitioner was ready to proceed



with the trial but the Trial Court, for some reason or the other ,was insisting for the appearance of the accused and did not proceed with the trial. Hence, the petitioner is before this Court with the present petition.

3. The learned Additional Public Prosecutor strongly opposed the petitioner's contention and submitted that on the complaint of the petitioner, the case was registered in Crime No. 1 of 2021 on 03.05.2021 and on completion of investigation, charge sheet was filed on 01.12.2023 before the learned Chief Judicial Magistrate, Puducherry. The petitioner had made allegations against the her estranged husband and the .entire family members of her estranged husband. A1 is the estranged husband of de facto complainant/petitioner herein; A2 is the sister of A1; A3 is the brother of A1; A4 is the wife of A3; A5 is the husband of A2; A6 and A7 are sons of A2; A8 is the second sister of A1 and A9 is the husband of A8. The entire family members are arrayed as accused and on completion of investigation, the charge sheet has been filed against them.

4. In this case, the charge sheet has been filed listing 12 witnesses and documents. Initially, the case was taken on file in in C.C. No. 818 of 2023 by the Chief Judicial Magistrate and thereafter, all the accused



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had appeared. The accused had filed discharge petition in CrI. M.P. NO. 4 of 2024 and after detailed arguments, the said petition was dismissed on 27.02.2025. In the meanwhile, the Mahila Court was formed and thereafter, the case was transferred to Mahila Court on 05.05.2025. Summons was issued to the petitioner for her appearance; she had appeared on 19.01.2026 before the Trial Court; she got into the box and she was examined as P.W.1. When the chief-examination was mid-way, she insisted that all the accused should be present and then only, she would depose. Thereafter, she got down from the box and refused to continue with the chief examination. On the same day, she also filed a memo. This is recorded in the adjudication of the Trial Court. Thereafter, on 16.02.2026, though she appeared, she had not come forward to get into the box to continue with the chief examination and now the case is posted on 17.03.2026. Her primary contention seems to be that all the accused should be present.

5. Learned Additional Public Prosecutor further submitted that all the accused in this case are none other than the estranged husband and in-laws of the petitioner/ de facto complainant and there can be no dispute with regard to the identity of the accused, even if their appearance is



sought to be dispensed with. Their identity would not be a problem and they can be cross-examined. In such circumstances, the petitioner cannot be reluctant and she has to get into the box and by delaying the progress of the trial, she cannot now term it as a delay caused by the prosecution or the Court and file a petition for expeditious trial.

6. Heard both sides and perused the materials on record.

7. Learned counsel for the petitioner, on instructions, submitted that the petitioner would appear before the Court on 17.03.2026 and she would depose without insisting for the appearance of the accused.

8. It is for the Trial Court to consider whether the appearance of the accused is necessary or not. As regards the petitioner, the accused persons are not new and there is no question of identity dispute.

9. In view of the above facts, this Court is not inclined to entertain this petition. However, it is seen that there are only 12 listed witnesses. Therefore, the Trial Court to complete the trial giving preference to this case. If there happens to be any delay on the part of the petitioner, the Trial Court is free to take coercive action.



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M. NIRMAL KUMAR,J.

nv

10. The criminal original petition is disposed of .

10.03.2026

nv

To

1. The Chief Judicial Magistrate,
Puducherry.
2. The Judicial Magistrate,
Mahila Court, (Magistrate level),
Puducherry.
3. The Station House Officer,
All Women Police Station,
Puducherry.
4. The Public Prosecutor, High Court,
Madras.

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