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Crl.O.P.No.34726 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.34726 of 2025
and
Crl.M.P.Nos.24388 & 24390 of 2025

1.Kalimuthu
2.Palanivel
3.Palanisamy

... Petitioners

Vs.

1.The Sub Inspector of Police
Karumathampoatty Police Station,
Coimbatore.
Crime No. 187 of 2019

2.Latha

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in C.C.No.19 of 2024 pending on the file of the learned Judicial Magistrate, Sulur, Coimbatore and to quash the same.

For Petitioners : Mr.A.Tamilarasan

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings against the petitioner in C.C.No.19 of 2024 pending on the file of the learned Judicial Magistrate, Sulur, Coimbatore.

2. The facts of the prosecution case as per the de facto complainant is that on 15.06.2019, the accused attempted to encroach on the common pathway leading to his godown and also attempted to dig a path. When it was questioned by Thirumoorthy and his wife, Latha (de facto complainant), they were assaulted and intimidated by the accused. Further, the accused crushed the bosom of the de facto complainant, thereby outraging her modesty.

3. Based on the above, a case in Crime No.187 of 2019 was registered by the respondent for offences under Sections 294(b), 506(ii) and 323 IPC and Section 4 of the TNPHW Act. The first respondent, after completing the investigation, filed a final report, which was taken up on file by the Judicial Magistrate Court, Sulur in C.C.No.19 of 2024. Seeking quashment of the said proceedings, the present Criminal Original Petition filed.



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WEB COPY 4. The learned counsel appearing for the petitioners submitted that there was an existing civil dispute pending between the parties due to which, an exaggerated and false complaint has been given to settle the civil scores. The petitioners had already initiated O.S.No.93 of 2019 before the District Munsif Court, Sulur, against the de facto complainant and her family members regarding the usage of a cart track and only as a counter blast, a false complaint has been given. Even taking into consideration the entire materials available on record, the ingredients of the alleged offences cannot be made out and there is no medical evidence to substantiate the charges. Hence, the impugned proceedings may be quashed.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that though a civil dispute is said to be pending, the petitioners have abused the de facto complainant and her husband and they have also threatened them. The first accused has not only assaulted the de facto complainant but has also crushed her bosom, thereby outraging her modesty. He further submitted that immediately after the incident, the de facto complainant was examined by one Dr.Uma Maheswari and she has spoken about the injuries suffered by the de facto complainant.



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6. Having heard the learned counsel on either side, this Court is not inclined to quash the impugned proceedings.

7. At this juncture, learned counsel for the petitioners prayed that the presence of the petitioners in connection with the impugned proceedings may be dispensed with and a direction may be issued to the trial Court to complete the trial within a specified period.

8. Considering the facts and circumstances of the case and also the fact that the impugned proceedings arises out of the FIR registered in the year 2019, which, in the opinion of this Court, is an exceptional circumstance, this Court directs the learned Judicial Magistrate, Suler, Coimbatore, to complete the trial in C.C.No.19 of 2024 as expeditiously as possible. While directing so, this Court is cognizant of the judgment of a Constitution Bench of the Supreme Court, in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh*** reported in (2024) 6 SCC 267, wherein, it was held that the constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other court and that time limit can be fixed for disposal of cases only in exceptional circumstances. The relevant portion of



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the said decision for the sake of ready reference is reproduced below:

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"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending."

(emphasis supplied by this Court)

9. It has also been held in the aforesaid extracted portion that in exceptional circumstances, constitutional courts may issue directions for time bound disposal of cases.

10. Further, acceding to the request made by the learned counsel for the petitioners, the personal appearance of the petitioners before the trial Court, in C.C.No.19 of 2024, is dispensed with except for receipt of copies, answering the charges, questioning under section 313 Cr.P.C./Section 351 of BNSS, on the date of pronouncing judgment and also on any other dates as may be required by the trial Court. It is made clear that the petitioners shall be duly represented by their counsel on all hearing dates.



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WEB COPY11. With the above directions, **this Criminal Original Petition is disposed of.** Consequently, Crl.M.P.No.24390 of 2025 is ordered accordingly and Crl.M.P.No.24388 of 2025 is closed.

02.01.2026

rpl

To

1. The Judicial Magistrate, Sulur, Coimbatore.
2. The Sub Inspector of Police
Karumathampoatty Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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