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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5861 of 2026

and

Crl.M.P(MD)No.6337 of 2026

S.Ilango

...Petitioner/Respondent/Respondent No.1

Vs

1. Pradeepa

2. Minor.Dhashvanth

(Represented through his mother and natural guardian first respondent herein)

...Respondents/Respondents/Petitioners

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the entire records connected with the case in Crl.MP.No.11600/2024 in DVC No.33/2019 pending on the file of the Judicial Magistrate Court No.II, Kovilpatti in Thoothukudi District, and quash all the further proceedings of the same.

For Petitioner

: M/s.S.Malaikani

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ORDER

The present petition has been filed seeking to quash CrI.M.P.No.11600 of 2024 on the file of the learned Judicial Magistrate No.II, Kovilpatti, which was filed under Section 128 of Cr.P.C. to execute the order passed in D.V.C.No.33 of 2019, before the said Court.

2. A perusal of the records reveal that the petitioner has suffered an order in D.V.C.No.33 of 2019 dated 24.04.2023. Challenging the same, the petitioner has preferred an appeal in CrI.A.No.130 of 2024 which is pending before the I Additional District Court, Tuticorin.

3. In the mean time, the petitioner in D.V.C.No.33 of 2019, has preferred CrI.M.P.No.11600 of 2024 under Section 128 of Cr.P.C. seeking to execute the order passed in D.V.C.No.33 of 2019. Seeking to quash the said Miscellaneous Petition, the present petition has been filed.

4. According to the learned Counsel appearing for the petitioner, since the appeal preferred by the petitioner is pending before the appellate Court, the respondents herein cannot execute the order in D.V.C.No.33 of 2019.



5. I have considered the submissions made on either side and perused the materials available on record.

6. I am not in agreement with the contentions raised by the learned Counsel appearing for the petitioner. When the appeal is pending before the appellate forum, it is for the petitioner to approach the said Court seeking interim orders on merits. The petitioner cannot seek to quash the Execution Petition filed in D.V.C.No.33 of 2019 on the ground that appeal is pending.

7. In such view of the matter, this Court is not inclined to entertain the present petition. However, there shall be a direction to the learned First Additional District Judge, Tuticorin, to expeditiously dispose of CrI.A.No.130 of 2024.

8. With the above said observations, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is also closed.

25.03.2026

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



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To

1. The learned I Additional District Judge,
Tuticorin.
2. The learned Judicial Magistrate No.II,
Kovilpatti,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

CrI.OP.(MD)No.5861 of 2026

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