

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE
ERODE**

Present: **Tmt.S. SAMEENA, B.A., L.L.B.,**
Principal Sessions Judge, Erode.

Tamil Parabhava Varudam, Chithirai Month, 5th day
Saturday, the 18th day of April, 2026

MP No.03/2026 in CRL RP No.30/2024
and
MP No.04/2026 in CRL RP No.23/2024

V.S. Prabhu

... Petitioner/Defacto Complainant
in the above petitions

Vs

1. Shanmugavadivu
2. Sarveshkailasam

... Respondents/Revision Petitioners/
1st & 2nd Accused **in the above
petitions**

3. State rep by
Inspector of Police,
District Crime Branch, Erode.
(Cr.No.45/2013).

... 3rd Respondent/Respondent/
Complainant **in the above
petitions**

This Miscellaneous Petitions coming today for hearing before me, in the above two petitions, in the presence of Thiru.L.R.Balasubramani, B.Sc., B.L., Advocate for the Petitioner, and of Thiru.V.Balasubramaniyan, B.A., B.L., Advocate for the 1st & 2nd Respondents and of Thiru.M.Arutchelvan, B.A., B.L., the Public Prosecutor for the 3rd Respondent and upon considering all material records in this miscellaneous petitions and hearing the submissions on both sides, and

having stood over till this day for consideration, and this court doth deliver the following;

COMMON ORDER

These petitions have been filed by the petitioner/defacto complainant under Section 440(1) of BNSS seeking to vacate the order of stay granted by this Court in M.P. No.1 of 2024 in CrI.R.P. No.30 of 2024 and M.P. No.1 of 2024 in CrI.R.P. No.23 of 2024 dated 09.04.2026.

02. The petitioner would submit that he is the defacto complainant in Crime No.45 of 2013, culminating in C.C. No.446 of 2019 pending before the learned Judicial Magistrate No.II, Erode.

03. It is his contention that earlier, the Hon'ble High Court of Madras, in CrI.O.P. No.18124 of 2019, by order dated 10.07.2019, directed the trial Court to complete the proceedings within a stipulated time.

04. According to the petitioner, the stay granted by this Court has stalled the trial proceedings and defeats the said direction of the Hon'ble High Court of Madras, thereby causing prejudice to him.

05. Per contra, the revision petitioners/1st & 2nd accused would contend that the present revision arises out of dismissal of a petition under Section 239 Cr.P.C. and involves substantial legal issues, including the plea relating to statutory bar under Section 195 Cr.P.C., which goes to the root of the matter.

06. It is further submitted that several proceedings have taken place earlier, including petitions to quash FIR and discharge petitions, and the issues now raised require proper adjudication in the revision.

07. It is also pointed out that the Hon'ble High Court of Madras, in subsequent proceedings, has issued directions taking into account the pendency of discharge petitions and revision proceedings, and therefore, the stay granted by this Court is justified.

08. Heard both sides. Records Perused.

09. **POINT FOR DETERMINATION:**

Whether the petitioner has made out sufficient grounds to vacate the order of stay granted by this Court in both petitions?

10. **POINT:**

It is not in dispute that the petitioner is the defacto complainant and that the trial in C.C. No.446 of 2019 is pending. It is also true that the Hon'ble High Court, Madras in earlier proceedings, directed expeditious disposal of the case. However, the records reveal that subsequent developments have taken place, including filing of discharge petitions and the present revision raising legal issues touching upon the maintainability of the proceedings.

11. The materials placed before this Court further disclose that the present revision involves consideration of legal grounds, including the applicability of Section 195 Cr.P.C., which requires adjudication at this stage.

12. When such substantial questions are pending consideration in the revision, permitting the trial Court to proceed further may result in complications and multiplicity of proceedings.

13. The contention of the petitioner that the stay defeats the earlier direction of the Hon'ble High Court of Madras cannot be accepted in isolation, as the said direction is subject to subsequent legal proceedings and orders passed therein.

14. In the considered view of this Court, the petitioner has not made out sufficient grounds to vacate the stay granted earlier.

15. At the same time, it is necessary to ensure that the revision itself is disposed of expeditiously so that the trial is not unduly delayed.

16. In the result, the petitions in MP No.3/2026 in CrI RP No.30/2024 and MP No.4/2026 in CrI.R.P. No.23/2024 are dismissed. However, considering the pendency of the matter, this Court directs that CrI.R.P. No.30 of 2024 and CrI.R.P. No.23 of 2024 shall be disposed of at the earliest date from the date of receipt of a copy of this order. Registry is directed to post the revision for final hearing on 28.04.2026 priority basis.

Dictated to the Steno-typist, typed by her directly, and then corrected and pronounced by me in the open court, this 18th day of April, 2026.

Principal Sessions Judge
Principal Sessions Court
Erode

Petitioners side Witnesses and Documents:

Nil

Respondents side Witnesses and Documents:

Nil

Principal Sessions Judge
Principal Sessions Court
Erode