

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2262 of 2019
and
Crl.M.P.No.1475 of 2019

M.Narendrakumar

... Petitioner

-Vs-

1. The State Rep. by
Inspector of Police
Chennai Central Branch,
EDF-II, Team-4,
Veppery, Chennai.

2. R.Srinivasan

3. S.Bhuvaneswari

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and quash the C.C.No.7836 of 2017 on the file of the Learned CCB & CBCID Metropolitan Magistrate Judge, Allikulam, Chennai.

For Petitioner : Mr.S.Nagarajan

For R1 : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petition has been filed seeking to quash the proceedings in C.C.No.7836 of 2017, on the file of the Learned CCB & CBCID Metropolitan Magistrate Judge, Allikulam, Chennai.

2. The learned counsel for the petitioner raised various grounds and submitted that it was the petitioner, who was actually the victim, unfortunately he has been made as an accused in this case. The learned counsel placed reliance upon various documents in order to substantiate his arguments.

3. All these issues can be canvassed only before the Court below in the course of trial. This Court cannot conduct the roving enquiry in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

4. The learned counsel for the petitioner submitted that the presence of this petitioner may be dispensed with before the Court below. In the facts and circumstances of the case, the presence of the petitioner is dispensed with and shall be represented by the counsel. The petitioner shall be present before the Court at the time of questioning under Section 313 of Cr.P.C and at the time of passing of the judgment. The counsel representing the petitioner shall cross examine the witnesses on the same day, they are examined in chief.

5. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The CCB & CBCID Metropolitan Magistrate,
Allikulam, Chennai.
2. The Inspector of Police,
Chennai Central Branch,
EDF-II, Team-4,
Veppery, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Nagarajan, Advocate, S.R.No.8115

Cr1.O.P.No.2262 of 2019
and
Cr1.M.P.No.1475 of 2019

SSM(21/02/2019) .