

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.17117 of 2019
and Cr1.M.P Nos.8620 and 8621 of 2019

1.M.Suseela Jhansi
2.Mukesh Devan

Petitioners/Accused

vs.

1.State rep by Inspector of Police,
E-1, Mylapore Police Station,
Chennai - 600 004.
(Crime No.584 of 2015)

..1st Respondent/Complainant

2.Rajeshwari

..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records and quash the charge sheet registered in C.C.No.3052 of 2016 on the file of the XVIII Metropolitan Magistrate Saidapet, Chennai, registered against the 1st and 2nd petitioners.

For Petitioner :M/s.L.Infant Dinesh

For Respondent :Mr.M.Mohamed Riyaz

Additional Public Prosecutor
for R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner for an offence under Sections 341, 323 r/w 34 of IPC.

2. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court 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. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.3052 of 2016 on the file of the XVIII Metropolitan Magistrate Saidapet, Chennai, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

- 1.The XVIII Metropolitan Magistrate Saidapet,
Chennai.
- 2.The Inspector of Police, E-1 Mylapore Police Station
Chennai 4.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1 CC to Mr.L. Infant Dinesh, Advocate sr 56095.

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NRJK(CO)
SP(29/07/2019)