

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.917 of 2021
and
Crl.M.P Nos.577 and 579 of 2021

1.A.T.Arumugam
2.V.S.Shobha

..Petitioners/Accused 1 & 2

Vs.

B.Rajeshkumar

..Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the case in C.C.No.107 of 2020, on the file of the Judicial Magistrate, Paramathi and quash the same.

For Petitioners : Mr.ARL.Sundaresan
Senior Counsel
for Mr.K.Suresh

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.107 of 2020, on the file of the Judicial Magistrate, Paramathi.

2. The grounds raised by the learned counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners

shall be present before the Court below as and when their presence is insisted by the Court below.

4. The petitioners shall not dispute the identity of any witness and it is left open to the petitioners to wait till the case reaches the stage under Section 245 of Cr.P.C., based on the evidence produced in support of the prosecution under Section 244 of Cr.P.C. Thereafter they can decide the further course of action.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

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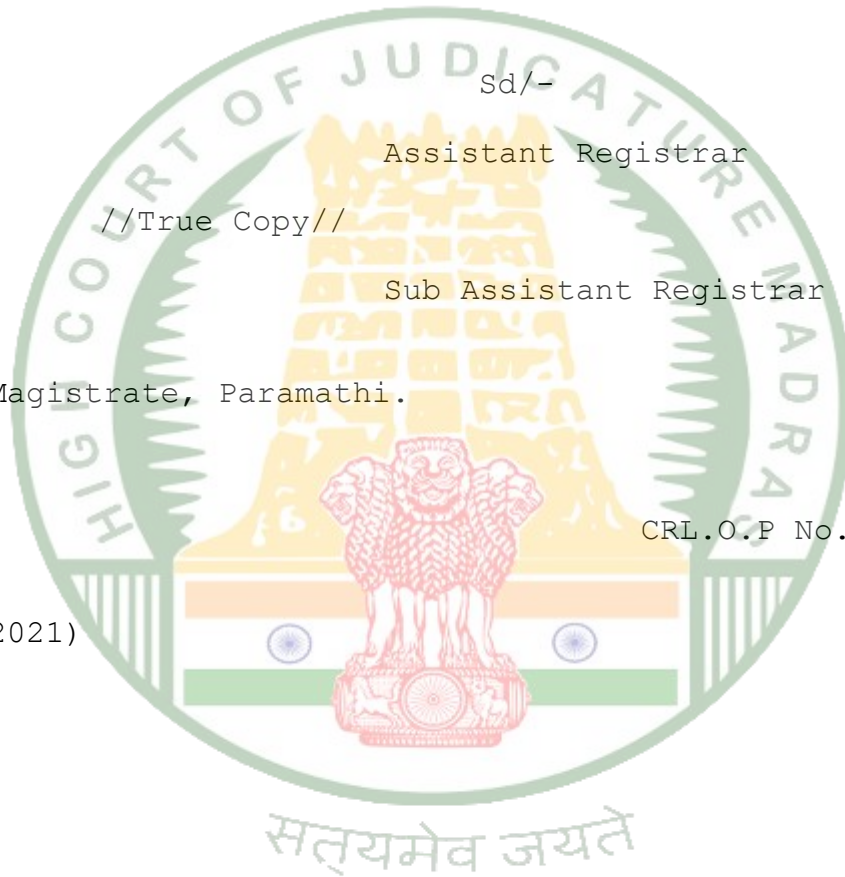
Sub Assistant Registrar

To

Judicial Magistrate, Paramathi.

CRL.O.P No.917 of 2021

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