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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9364 of 2018

and

Crl.M.P.Nos.4831 & 4832 of 2018

K. Vijayan,
S/o Kupppusamy

...Petitioner/Accused

Vs.

1. The Inspector of Police,
K-11, CMBT Police Station,
Koyambedu, Chennai-600 107
2. Mrs. Vijayalakshmi,
W/o. Gajjala Janardanam Jaikumar,

...Respondents/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records pertaining C.C.No.4 of 2018 on the file of the Learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai-600 008 and quash the same.

For Petitioner : Mr. V.R.Kamalanathan

For 1st Respondent : Mr.A. Gopinath
Government Advocate(Crl.side)

For 2nd Respondent : M/s.Chellammal

O R D E R

The petitioner has filed this petition seeking to call for the records pertaining C.C.No.4 of 2018, on the file of the Learned Metropolitan Magistrate, Additional Mahila Court, Egmore Chennai and quash the same.

2. The case of the prosecution is that the De-facto Complainant is the tenant of the petitioner herein. The petitioner went to the De-facto Complainant's house and asked them to vacate the house. When the De-facto Complainant refused to do so, the petitioner abused the De-facto Complainant and her husband and threatened them with dire consequences. Hence the complaint.



3. Though very many grounds have been raised in the affidavit filed in support of the petition, however, it is fairly represented by the learned counsel appearing for the petitioner that this Court may issue a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioner before the Trial Court may be dispensed with.

4. A perusal of the materials reveal that the issues are triable issues and the grounds raised by the counsel for the petitioner 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 would not be justiciable to for this Court to render an opinion one way or the other and it is for the petitioner to raise all the grounds at the time of trial. This Court is not inclined to interfere with the proceedings pending before the Court below.

7. Accordingly, this petition is disposed of directing the trial court to dispose of C.C. No.4 of 2021 within a period of six months from the date of receipt of a copy of this order. The petitioner and respondents are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioner, their appearance before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgement is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
K-11, CMBT Police Station,
Koyambedu,
Chennai-600 107
 2. The learned Metropolitan Magistrate,
Additional Mahila Court,
Egmore,
Chennai-600 008
 3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.
- +1cc to Mr.V.R.Kamalanathan, Advocate, Sr.47349

Cr1.O.P.No.9364 of 2018 &
Cr1.M.P.Nos.4831 & 4832 of 2018

PCH[co]
NSK 13/10/2021