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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9378 of 2018

and

Crl.M.P.Nos.4841 & 4842 of 2018

1.Thiru.Krishnan

2.Tmt.Vijaya

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
W8, All Women Police Station,
Thirumangalam,
Chennai - 600 101.
Crime No.12 of 2013

2. P.G.Bhuvanieshwari

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.7415 of 2014 pending on the file of the learned Chief Metropolitan Magistrate at Egmore, Chennai and quash the proceedings as against the petitioner/4th accused.

For petitioner : Mr.Selva Kumarasamy for
Mr.S.D.Venkateswaran

For Respondents R1 : Mr.A.Gopinath
Government Advocate (Criminal Side)

R2 : Mr.S.Ramesh

O R D E R

The petitioner has filed this petition seeking to call for the entire records in C.C.No.7415 of 2014, on the file of the learned Chief Metropolitan Magistrate at Egmore, Chennai and quash the proceedings as against the petitioner/4th accused.

2. Though several grounds have been raised by the learned counsel for the petitioner, however, this Court is of the opinion the issue is a triable issue 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 is left open to the petitioner to raise all the grounds before the Court 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 submitted that the already co-accused / A3, A4 and A4 had filed quash petitions before this Court in CrI.O.P.No.26166 and 26282 of 2014 and the same was dismissed with a direction to the trial to commence trial within a period of six months. Further it is 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 and the appearance of the petitioner before the Trial Court may be dispensed with.

4. Accordingly, this petition is disposed of directing the trial court to dispose of C.C. No.7415/2014 as expeditiously as possible as per seniority of the case. The petitioner and respondent 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, his appearance before the trial court is dispensed with except for their 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 judgment 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 their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.



2. The Inspector of Police,
W8, All Women Police Station,
Thirumangalam,
Chennai - 600 101.
Crime No.12 of 2013

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3. The Public Prosecutor,
High Court of Madras, Chennai 600 104.

Cr1.O.P.No.9378 of 2018

PCH(CO)
CT/18/10/2021