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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.20831 of 2018

and

Cr1.M.P.Nos.11260 & 11261 of 2018

1. Suryarajkumar

2. Mohan Chelladurai Naadar

.. Petitioners

Vs.

M. Palaniappan,

.. Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records comprised in the proceedings in C.C. No. 5720 of 2017 pending on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai-8 only in respect of Petitioners/Accused 2 & 4 and quash the same.

For Petitioners : Mr. M. Kempraj

O R D E R

The petitioners have filed this petition seeking to call for the records comprised in the proceedings in C.C. No. 5720 of 2017, pending on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai-8 only in respect of Petitioners/Accused 2 & 4 and quash the same.

2. When the matter is taken up for hearing, the learned Counsel for the petitioners submitted that though the entire amount was settled by the petitioners, the De-facto Complainant has not withdrawn the complaint and hence he prays for appropriate orders.



3. Though it is alleged that the amount has been settled by the petitioners, the complaint has not been withdrawn by the defacto complainant. However, this Court is of the opinion the issue involved in the present case is a triable one 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 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.

4. Now, it is represented by the learned counsel 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 submits that the appearance of the petitioners before the Trial Court may be dispensed with.

5. Accordingly, this petition is disposed of by directing the Trial Court to dispose of C.C. No.5720/2017 as expeditiously as possible as per seniority of the case. The petitioners 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 petitioners 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 (CO)

// True Copy //

Sub Assistant Registrar

nhs



To

1. The Metropolitan Magistrate Court-XIII,
Egmore, Chennai-8.

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2. The Chief Judicial Magistrate, Egmore, Chennai.

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

+1CC to Mr.M.Kempuraj, Advocate, SR.No. 49609

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RK(CO)

B.VC (26/10/2021)