

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED : 12.03.2021****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH****Crl.O.P No.4820 of 2021**

1.C.Vishalkumar

2.C.Raajkumar

.. Petitioners

Vs.

1.The Inspector of Police,  
R.5, Virugambakkam Police Station,  
Chennai.

2.S.Karunakaran

.. Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC.No.4482 of 2018 pending trial before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

For Petitioners

: Mr.M.Balaji

For Respondent-1

: Mr.C.Raghavan

Government Advocate

**ORDER**

This petition has been filed challenging the proceedings in C.C.No.4482 of 2018, pending on the file of learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. 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 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. The present case involves case and counter and both the FIRs have translated itself into final reports and it has been taken cognizance by the Court below in C.C.No.4482 and 4483 of 2019. In view of the same, this Court cannot interfere with one of the proceedings at this stage.

3. The Court below is directed to proceed further to conduct trial in both the cases in accordance with the procedure formulated by the Hon'ble Supreme Court in ***[Prabhakar B.Poojari Vs. State of Karnataka]*** in ***1990 SCC Crl 638*** and reiterated by this Court in ***[Ganesan Vs.The State Rep. By the Inspector of Police, R2,Kodambakkam Police Station]*** in 2011 5 CTC 747.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.4482 and 4483 of 2019. on the file of learned Metropolitan Magistrate, Saidapet, within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No  
Internet : Yes/No  
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**N. ANAND VENKATESH, J.**

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To

- 1.The Inspector of Police,  
R.5, Virugambakkam Police Station,  
Chennai.
- 2.The XXIII Metropolitan Magistrate,  
Saidapet, Chennai
3. The Public Prosecutor,  
High Court, Madras.



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