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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.21811 of 2018

and

Crl.M.P.Nos.11997 & 11998 of 2018

1)Gulafar Begum.

W/o. Late. Mirza Gulam

2)Parveen Banu,

W/o. Anzar Ali

.. Petitioners

Vs.

1.The Sub Inspector of Police,

All Women Police Station,

Triplicane,

Chennai.

(Crime No.1757 of 2018)

2.Sharmila Banu,

W/o. Mohshin Khan

.. Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in C.C. No.1751 of 2018 as against the petitioners, pending on the file of the Chief Metropolitan Magistrate Court, Allikulam, Chennai.

For Petitioners : Mr. N. A. Nissar Ahmed

For 1st Respondent : Mr.C.E.Pratap
Government Advocate(Crl.Side)

For 2nd Respondent : Mr. G. R. Hari

O R D E R

The petitioners have filed this petition seeking to call for the records and quash the proceedings in C.C. No.1751 of 2018 as against the petitioners, pending on the file of the Learned Chief Metropolitan Magistrate Court, Allikulam, Chennai.

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 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 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. It is represented by the learned counsel appearing for the petitioners 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 petitioners before the Trial Court may be dispensed with.

4. Accordingly, this petition is disposed of by directing the Trial Court is directed to dispose of C.C. No.1757/2018 as expeditiously as possible as per seniority of the case. The petitioners 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, 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(CS II)

//True Copy//

Sub Assistant Registrar

NHS

To

1.The Chief Metropolitan Magistrate,
Allikulam,
Chennai.

2.The Sub Inspector of Police,
All Women Police Station,
Triplicane, Chennai.



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

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+1cc to Mr.N.A.Nissar Ahmed, Advocate Sr No.49321

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Crl.M.P.Nos.11997 & 11998 of 2018

GPL (CO)
PR (26/10/2021)