

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.NO.18943 of 2018

and

Crl.M.P.No.9993 of 2018 & Crl.M.P.No.4881 of 2019

1. Rumesh Kumar
2. Chandira Sekar
3. Meenakshi

.. Petitioners

Vs.

1. The State Rep. by the Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Kancheepuram District.

2. Hamsavalli

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of the learned Judicial Magistrate, Tambaram, Kancheepuram District in C.C.No.19 of 2018 and quash the Criminal Proceedings.

For Petitioners : Mr.E.Kannadasan

For Respondent No.1 : Mr.A.Gopinath
Government Advocate (Crl.side)

For Respondent No.2 : M/s.M.Ayyadurai

ORDER

The petitioners have filed this petition seeking to call for the records in C.C.No.19 of 2018 on the file of the learned Judicial Magistrate, Tambaram, Kancheepuram District and quash the Criminal Proceedings.

2. Though several grounds have been raised by the learned counsel for the petitioners, 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 directing the trial court to dispose of C.C.No.19 of 2018 as expeditiously as possible as per seniority of the case. The petitioners and the private 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 petitioners, their 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.

07.09.2021

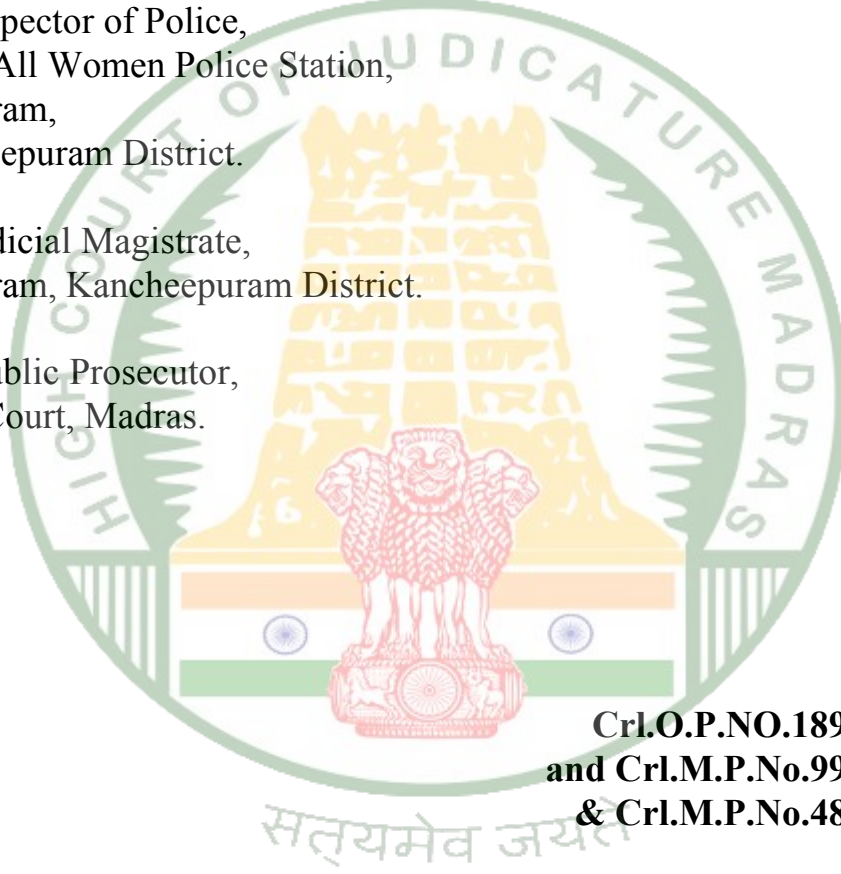
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M.DHANDAPANI,J.

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To

- 1.The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Kancheepuram District.
- 2.The Judicial Magistrate,
Tambaram, Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.



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& Crl.M.P.No.4881 of 2019**

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