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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.30933 of 2019

and

Crl.M.P.Nos.16796 of 2019 & 1012 of 2020

M. Duraibabu

.. Petitioner/Accused

Vs.

1. The Inspector of Police,
R-7 K.K. Nagar Police Station,
Chennai - 600 078.

...1st Respondent/Complainant

2. M. Mathivanan

..2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the entire records in C.C.No.4451 of 2018 on the file of the Hon'ble XXIII Metropolitan Magistrate, Saidapet, Chennai-600 015 and quash the same. (Amended as per order in Crl.M.P.No.1012/2020 in Crl.OP.No.30933/2019 dated 28.01.2020.)

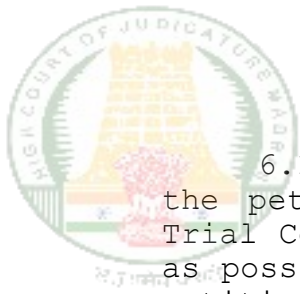
For Petitioner : Mr.S. Jeyakumar

For Respondents : Mr.A. Gopinath
Government Advocate

O R D E R

The petitioner had filed this petition seeking to call for the entire records in C.C.No.4451 of 2018 on the file of the Hon'ble XXIII Metropolitan Magistrate, Saidapet, Chennai-600 015 and quash the same.

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.



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6. 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.

7. Accordingly, this petition is disposed of directing the trial court to dispose of C.C.No.4451 of 2018 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 (CS-V)

//True copy//

Sub Assistant Registrar

smn

To

1. The Inspector of Police,
R-7 K.K. Nagar Police Station,
Chennai - 600 078.
2. The XXIII Metropolitan Magistrate,
Saidapet, Chennai-600 015
3. The Public Prosecutor,
High Court of Madras, Chennai 600 104.

+1cc to Mr.S. Jeyakumar, Advocate SR.No.49883

Cr1.O.P.No.30933 of 2019

RSI (CO)
GMY (27/10/2021)