



CrI.O.P.No.17185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.17185 of 2023

and

CrI.M.P No.11068 of 2023

1. V.Sivakumar
2. S.Vishnu

... Petitioners

Vs.

1. State Rep. by
The Inspector of Police,
Veeranam Police Station,
Salem City.

2. Chelladurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to quash the final report filed in CC.No.274 of 2023 on the file of the Judicial Magistrate No.4, Salem as against the petitioners.

For Petitioners	: Mr.R.Ezhilarasan
For R1	: Mr.A.Damodaran
	Additional Public Prosecutor



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ORDER

This Criminal original petition have been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 294(b), 323, 324 and 506(ii) of IPC.

2. 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 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.

3. There is a case and counter and the respondent police had investigated both the FIRs in Crime Nos.197 and 198 of 2021. On completion of investigation, the respondent police filed a final report and the same has been taken on file in CC No.274 of 2023 and CC



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No.456 of 2023 before the Judicial Magistrate IV, Salem. Under such circumstances, the case has to be proceeded further in line with the judgment of the Apex Court in *Nathi Lal and others vs. State of Uttarpradesh and another* reported in *1990 (Supp) SCC 145*. Hence, there is no question of entertaining this criminal original petition.

4.Accordingly, this criminal original petition is disposed of with a direction to the Court below to complete the proceedings in CC No.274 of 2023 and CC No.456 of 2023, within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

5.The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The



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petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

6.The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***.

04.08.2023

rka

To

1. The Judicial Magistrate No.4, Salem.
2. The Inspector of Police,
Veeranam Police Station,
Salem City.
3. The Public Prosecutor,
High Court, Madras

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N.ANAND VENKATESH, J

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