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Crl.O.P.No.17779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17779 of 2023
and Crl MP Nos.11680 and 11681 of 2023

D. Sankar Kumar

.. Petitioner

Vs.

1. State rep by
The Inspector of Police,
W.26, All Women Police Station
Ashok Nagar, Chennai 600 083.
(Crime No.4 of 2020)

2. J.S. Santhoshini

.. Respondents

PRAYER : This Criminal Original petition has been filed under Section 482 of Cr.PC to call for the record relating to the case in C.C No.312/2021 on the file of the Learned XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same and pass such further and other orders as it may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R. Ravichandran

For Respondent No. : Mr. A.Damodharan
Additional Public Prosecutor



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ORDER

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This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 498 A, 294(b) and 506 (i) of IPC.

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.

3. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.312 of 2021 on the file of XVII Metropolitan Magistrate, Saidapet, within a period of three months from the date of receipt of a copy of this order. 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***



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State of Punjab [2015 (1) MLJ (Crl) 288 SC]. If the petitioners adopt 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)**. Consequently, connected miscellaneous petitions are closed.

14.08.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
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To

1. XVII Metropolitan Magistrate, Saidapet
2. State rep by
The Inspector of Police,
W.26, All Women Police Station
Ashok Nagar, Chennai 600 083.
(Crime No.4 of 2020)
3. The Public Prosecutor
Madras High Court, Madras.

N.ANAND VENKATESH, J



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