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Crl.O.P.No.20314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20314 of 2023

1. M.Jhony Basha
 2. Ramzan Bee
 3. Sathish
 4. Navamani
 5. Saravanan @ Sathish
 6. Venkadesan @ Vellai
- Vaitheeswaran.R @ Kutty Anbu (Deceased) .. Petitioners

Versus

1. State rep., by,
Inspector of Police,
F-1, Chintadaripet Police Station,
Chennai - 600 002.
(Crime No.328 of 2018)
2. Ibrahim.S .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.88 of 2021 pending on the file of the XVI Additional City Civil Court at Chennai and quash the same.

For Petitioners : M/s.M.Shamugapriya

For Respondents : Mr.A.Gopinath,



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Government Advocate (Crl. Side),
for R1

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.88 of 2021 pending on the file of the XVI Additional City Civil Court, Chennai.

2. The grounds raised by the learned 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.

3. The de-facto complainant is present before this Court. He stated that he has compromised the dispute with A1 and A2. The learned Government Advocate (Crl. Side) brought to the notice of this Court that A3 to A6 are seasoned criminals against whom number of cases are pending and they are also involved in serious offences under Sections 302, 307 of



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I.P.C etc. Considering the nature of the allegation that has been made, there is no scope for quashing the proceedings on the ground of compromise.

4. Accordingly, this Criminal Original Petition is disposed off with a direction to the Court below to complete the proceedings in S.C.No.88 of 2021 on the file of XVI Additional City Civil Court, Chennai, within a period of six 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 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 them 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)***.

14.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The XVI Additional City Civil Court,



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2. The Inspector of Police,
F-1, Chintadaripet Police Station,
Chennai - 600 002.
3. The Public Prosecutor,
High Court of Madras.

N.ANAND VENKATESH, J.

grs

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