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Crl.OP.No.20856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20856 of 2023

and

Crl.M.P.Nos.14293 & 14297 of 2023

1. Sarvendra Gupta
S/o.Late Sundaram

2. Bhagya Lakshmi,
W/o.Sarvendra Gupta

3. S.Vani,
D/o.Sarvendra Gupta

... Petitioners

Vs.

1. The State rep. by,
The Assistant Commissioner of Police,
Anna Nagar Circle,
Chennai – 600 040.
Crime No.14 of 2021

2. M.Venumani,
D/o.Murugesan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the complaint in Spl.S.C.No.146 of 2023 on the file of Principal Sessions Court, Chennai and quash the same.



Crl.OP.No.20856 of 2023

For Petitioners : Mr.N.Manoharan

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side] [R1]
Mr.R.Sankara Subbu
for Mr.N.Kannan [R2]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.146 of 2023 on the file of Principal Sessions Court, Chennai.

2. The grounds raised by learned counsel for 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. It is brought to the notice of this Court that the trial has commenced. PW-1 and PW-2 were also examined in chief on 01.09.2023. In view of the same, this quash petition cannot be entertained at this stage.



4. Learned counsel for 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 they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The 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 judgment.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in Spl.S.C.No.146 of 2023 within a period of four (4) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

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



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N.ANAND VENKATESH, J.

gm

per the judgment of the Hon'ble Supreme Court in *State of Uttar Pradesh v. Shambhu Nath Singh (JT 2001 (4) SC 3191)*.

21.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

- 1.The Principal Sessions Court,
Chennai.
- 2.The Assistant Commissioner of Police,
Anna Nagar Circle,
Chennai – 600 040.
Crime No.14 of 2021
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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