



WEB COPY



Crl.O.P.No.462 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.462 of 2024

and

Crl.M.P.Nos.298 & 299 of 2024

A.Santhosh Kumar
S/o.Aasaithambi

...Petitioner

Vs

1.The State represented by
The Inspector of Police,
Cyber Crime Cell, Central Crime Branch,
Vepery, Chennai – 7.
(Crime No.100 of 2021)

2.R.C.Swaminathan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records pertaining to C.C.No.1365 of 2022 pending on the file of XI Metropolitan Magistrate Court, Saidapet, Chennai, pertaining to the case in Crime No.100 of 2021 on the file of first respondent and quash the same.

For Petitioner : Mr.R.Chakkaravarthy
For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side) [R1]



WEB COPY



Crl.O.P.No.462 of 2024

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.1365 of 2022 pending on the file of XI Metropolitan Magistrate Court, Saidapet, Chennai.

2. The grounds raised by learned counsel for 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. The facts of this case and grounds raised in the quash petition do not fall within the parameters laid down by the Apex Court in ***State of Haryana and others v. Bhajanlal and others [(1992) Suppl (1) SCC 335]***. 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.1365 of



CrI.O.P.No.462 of 2024

2022 within a period of six (6) 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 petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner 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.

12.01.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

gm

To

1. The XI Metropolitan Magistrate Court,
Saidapet, Chennai.

2. The Inspector of Police,
Cyber Crime Cell, Central Crime Branch,
Vepery, Chennai – 7.
(Crime No.100 of 2021)

3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.462 of 2024

N.ANAND VENKATESH, J

gm

Crl.O.P.No.462 of 2024

12.01.2024