



CrI.O.P.Nos.708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.1.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.708 of 2024
and CrI MP Nos.450 & 451 of 2024

1.Senthilkumar

2.Mohan

... Petitioners

Vs.

1.The State

Represented by the Inspector of Police

Vedaranyam Police Station

Nagapattinam

(Crime No.231/2014)

2.V.Mahendran

VAO, Karuppampulam

Vedaranyam Taluk

Nagapattinam District

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the Charge Sheet in S.C.No.20 of 2023 on the file of the Court of the Sub Court, Nagapattinam, Nagapattinam District and quash the same.

For Petitioner : Mr.S.Shanmuga Sundaram



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for M/s.R.Muruga Bharathi

For Respondent : Mr.A.Damodaran
Addidtonal Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Section 174 of Cr.PC, which was subsequently altered to Section 306 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. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in Bhajan Lal case reported in (1992) Suppl (1) SCC 335. It is left open to the petitioner to raise all the grounds before the Court 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.



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3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner 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 petitioner 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 and as and when required for trial.

4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in SC.No.20 of 2023, as expeditiously as possible, from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

22.01.2024

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N.ANAND VENKATESH,J

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

To

- 1.The Sub Judge,
Sub Court, Nagapattinam, Nagapattinam District
- 2.The Public Prosecutor,
Madras High Court.

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22.01.2024