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CrI.O.P.No.2881 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 13.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CrI.O.P.No.2881 of 2024**

V.Rajkumar

... Petitioner

Vs.

1.State Rep by:

B-7 Inspector of Police,  
Ramanathapuram Police Station,  
Crime No.298 of 2010

2.M.Srinivasan

... Respondents

**Prayer:**

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to C.C.No.840 of 2021 on the file of the Hon'ble before The Chief Judicial Magistrate VI Coimbatore and quash the same.

For Petitioner : Mr.S.Vijay

For Respondents : A.Gopinath for R1

Government Advocate (CrI. Side)

**O R D E R**

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 294(b), 384, 506(ii) of I.P.C.



CrI.O.P.No.2881 of 2024

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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 in 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.

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., at the time of passing of the final judgement and as and when required. The petitioner shall execute a bond under Section 88 of Cr.P.C. before the Court below.



CrI.O.P.No.2881 of 2024

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4. Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.840 of 2021, within a period of three months from the date of receipt of copy of this order.

13.02.2024

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Index: Yes/ No  
Speaking Order: Yes/ No  
NCC: Yes/ No

To

- 1.The Chief Judicial Magistrate VI  
Coimbatore.
- 2.The Inspector of Police,  
B-7 Ramanathapuram Police Station,  
Crime No.298 of 2010
- 3.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.



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**N.ANAND VENKATESH,J.**  
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