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CrI.O.P.No.1736 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1736 of 2024

and

CrI.M.P.No.1199 of 2024

Dr.Srinivash @ Rukmangathan
S/o.Late Panneerselvam

...Petitioner

Vs

V.Sujatha
W/o.V.Veeraraghavan

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records of the impugned complaint in STC No.655 of 2021 pending on the file of XXVI Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.Dinesh Ravi

ORDER

This petition has been filed seeking to quash the proceedings in STC No.655 of 2021 pending on the file of XXVI Metropolitan Magistrate Court, Egmore, Chennai.



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2. The main ground that was urged by learned counsel for petitioner is that even as per the allegation made in the complaint, the money was received for securing a medical seat. This liability cannot be said to be a legally enforceable liability. However, it was brought to the notice of this Court that the case is now at the stage of cross-examination of accused witness. In view of the same, the proceedings is at its fag end and at this stage, this Court is not inclined to exercise its jurisdiction under Section 482 Cr.P.C. It is left open to the petitioner to raise this ground before the Court below.

3. 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.



Crl.O.P.No.1736 of 2024

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No.655 of 2021 within a period of two (2) 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.

30.01.2024

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

To
The XXVI Metropolitan Magistrate Court,
Egmore, Chennai.



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Crl.O.P.No.1736 of 2024

N.ANAND VENKATESH, J

gm

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