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Crl.O.P.Nos.1523, 1530, 1532, 1534, 1538, 1541 and 1544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.1523, 1530, 1532, 1534, 1538, 1541 and 1544 of 2024

and

**Crl.M.P.Nos.1054, 1055, 1058, 1059, 1062, 1064, 1066, 1069, 1074, 1075,
1077, 1079, 1082 & 1084 of 2024**

Crl.O.P.No.1523 of 2024

1.D.Ravichandran
S/o.Late M.Duraisamy

2.S.Thiruvalluvan
S/o.V.S.S.Sevuga Perumal

... Petitioners

Vs

1.M/s.Thiru Metals and Alloy
represented by its Managing Partners
Thiru R.Sathyaseelan
S/o.T.M.Ramamoorthy and
Thiru T.R.Thirugnanam
S/o.Thiru T.M.Ramamoorthy
represented by their Power Agent cum Manager
Mr.M.Girish S/o.M.Nagendra Prasad
Office at No.32, SIDCO Industrial Estate,
Gummidipoondi, Tiruvallur - 601 201.

2.M/s.Creative Die Casters,
No.G-57D, SIDCO Industrial Estate,
Kakkalur, Tiruvallur - 602 003.

3.R.Uthaya

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and quash the proceedings/complaint filed in C.C.No.188 of 2022 pending on the file of the District Munsif cum Judicial Magistrate, Gummidipoondi, as the continuance of the same is an abuse of process of law.

For Petitioners : Mr.M.Palanivel
[in all Crl.O.Ps.]

For Respondents : Mr.K.S.Arumugam [R1]
[in all Crl.O.Ps.]

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the proceedings in C.C.No.188 of 2022, S.T.C.No.244 of 2022, C.C.No.168 of 2022, C.C.No.167 of 2022, C.C.No.187 of 2022, S.T.C.No.245 of 2022 and S.T.C.No.246 of 2022 pending on the file of the District Munsif cum Judicial Magistrate, Gummidipoondi.

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



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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 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. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Learned counsel for the 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 stage of 251 Cr.P.C, at the time of questioning under Section 313 Cr.P.C, at the time of passing of the final judgment and as and when required by the Court below. The petitioners shall appear before the concerned Court and execute a bond under Section 88 Cr.P.C.



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4. Accordingly, these Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in C.C.No.188 of 2022, S.T.C.No.244 of 2022, C.C.No.168 of 2022, C.C.No.167 of 2022, C.C.No.187 of 2022, S.T.C.No.245 of 2022 and S.T.C.No.246 of 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 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 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.

20.02.2024

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

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The District Munsif cum Judicial Magistrate,
Gummidipoondi.

N.ANAND VENKATESH, J



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