



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5183 of 2024
and Crl.MP.Nos.3764 & 3765 of 2024

1.S.Raj

2.D.Elangovan

3.V.Vembu

.. Petitioners/A3, A4 and A5

vs.

1.State by
The Inspector of Police
Central Crime Branch
Team 16, Land Grabbing Cell-I
Vepery, Chennai-600 007.

..1st Respondent /Complainant

(Crime No.236/2017)

2.Mr.R.Ramsuresh

..2nd respondent/ De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.5080 of 2023, on the file of the Metropolitan Magistrate for Exclusive trial of CCB cases (relating to Cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

For Petitioner : Mr.I.Jesu

For Respondents : Mr.A.Gopinath
Government Advocate
for R1

**ORDER**

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This petition has been filed to quash the proceedings in C.C.No.5080 of 2023, pending on the file of the Metropolitan Magistrate for Exclusive trial of CCB cases (relating to Cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

2. The grounds raised by the counsel for the 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 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 petitioners 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 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 time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement. The Court below shall get a bond executed by the petitioner under Section 88 of Cr.PC.



4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.5080 of 2023, as expeditiously as possible. Consequently, connected miscellaneous petition are closed.

05.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

- 1.The Inspector of Police
Central Crime Branch
Team 16, Land Grabbing Cell-I
Vepery, Chennai-600 007.
- 2.Metropolitan Magistrate for Exclusive trial of CCB cases
(relating to Cheating cases in Chennai)
and CBCID Metro Cases, Egmore, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,, J.

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