



WEB COPY



CrI.O.P.Nos.3626, 3628, 3631 & 3636 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR JUSTICE N.ANAND VENKATESH

CrI.O.P.Nos.3626, 3628, 3631 & 3636 of 2024

and

CrI.MP.Nos.2672, 2674, 2677, 2678, 2680, 2681,
2684 & 2685 of 2024

Mrs.S.Vijaya
Wife of Sekar
Authorized Signatory of Madras
Sea Foods Agency,
No.6, Singanna Street, II Lane,
Chintadripet,
Chennai - 600 002.

.. Petitioner in all CrI.OPs.

Vs.

V.Nandhakumar

.. Respondent in all CrI.OPs.

PRAYER in CrI.O.P.No.3626 of 2024 : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.2350 of 2021 on the file of learned Fast Track Court - II, Metropolitan Magistrate, Allikulam, Chennai and quash the same.



WEB COPY

PRAYER in CrI.O.P.No.3628 of 2024 : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.2352 of 2021 on the file of learned Fast Track Court - II, Metropolitan Magistrate, Allikulam, Chennai and quash the same.

PRAYER in CrI.O.P.No.3631 of 2024 : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.2353 of 2021 on the file of learned Fast Track Court - II, Metropolitan Magistrate, Allikulam, Chennai and quash the same.

PRAYER in CrI.O.P.No.3636 of 2024 : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.2354 of 2021 on the file of learned Fast Track Court - II, Metropolitan Magistrate, Allikulam, Chennai and quash the same.

For Petitioner in all CrI.OPs. : Mr.G.Viswanathan

For Respondent in all CrI.OPs. : No appearance



WEB COPY



Cr.O.P.Nos.3626, 3628, 3631 & 3636 of 2024

COMMON ORDER

These petitions have been filed challenging the proceedings initiated by the respondent against the petitioner.

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 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.

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. The petitioner shall also execute a bond u/s.88 Cr.P.C. before the Court below.

4. Accordingly, these Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in C.C.No.2350, 2352, 2353 and 2354 of 2021 within a period of four 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***



CrI.O.P.Nos.3626, 3628, 3631 & 3636 of 2024

2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Index : Yes/No
Internet : Yes/No
rka

20.02.2024

To

1. The Fast Track Court - II, Metropolitan Magistrate, Allikulam, Chennai
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.Nos.3626, 3628, 3631 & 3636 of 2024

N.ANAND VENKATESH, J.

rka

**Crl.O.P.Nos.3626, 3628, 3631 & 3636 of 2024
and
Crl.MP.Nos.2672, 2674, 2677, 2678, 2680, 2681,
2684 & 2685 of 2024**

20.02.2024