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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4056 of 2024
and Crl.M.P Nos.3018 & 3019 of 2024

Vijay Karthick Balan

Petitioner

vs.

1.State Rep. by: The Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
Crime No.179 of 2001

2.Kanimozhi

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.151 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Vedaranyam u/s. 294b, 324, 326, 506(ii) IPC and quash the same against the petitioner.

For Petitioner : Mr.S.S.Swaminathan

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



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 294b, 324, 326, 506(ii) IPC

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 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 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. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.151 of 2023 on the file of District Munsif cum Judicial Magistrate, Vedaranyam, within a period of six 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 SCJ. 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.

26.02.2024

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

To

- 1.The District Munsif cum Judicial Magistrate, Vedaranyam
- 2.The Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
- 3.The Public Prosecutor,
High Court, Madras.



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4

N. ANAND VENKATESH, J.

SSR

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