



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4713 of 2024
and Crl.M.P Nos.3437 & 3439 of 2024

1.A.Kasirajan

2.D.Prakash

3.Saranya

...Petitioners /Accused 1 to 3

.Vs.

1.State rep.by

The Inspector of Police

Pollachi Taluk Police Station

Pollachi

Coimbatore District.

..1st Respondent/Complainant

(Crime No.35/2023)

2.Shanmuga Sundaram

..2nd respondent/De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in C.C.No.397 of 2023, on the file of the Judicial Magistrate II, Pollachi to quash the same.

For Petitioners : Mrs.R.S.Sivapriya

For Respondents : Mr.A.Gopinath

Government Advocate (Crl.Side) for R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 294(b), 323 and 506(i) of



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 Government Advocate (Crl.Side) on instructions submitted that the counter case was in Crime No.34 of 2023, which was also investigated and the same resulted in filing a final report before the same Court which was taken on file in C.C.No.394 of 2023.

4.In view of the above submission since there is a case and counter pending before the same Court, there is no question of quashing the proceedings in C.C.No.397 of 2023. Under such circumstances, the case has to be proceeded further in line with the judgment of the Apex Court in **Nathi Lal and others vs. State of Uttarpradesh and another** reported in **1990 (Supp) SCC 145**. Hence, there is no question of entertaining this criminal original petition.



4. This criminal original petition is accordingly, dismissed and the Court below is directed to complete the proceedings in C.C.No.394 of 2023 and C.C.No.397 of 2023, within a period of **six months** from the date of receipt of copy of the order. Consequently, connected miscellaneous petitions are closed.

29.02.2024

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

kp

To

1. The Inspector of Police
Pollachi Taluk Police Station
Pollachi
Coimbatore District.
2. Judicial Magistrate II, Pollachi.
3. The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY



4

N.ANAND VENKATESH.J.,

kp

CRL.O.P No.4713 of 2024

29.02.2024