



CrI.O.P.No.5346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5346 of 2024

And

CrI.M.P.No.3898 of 2024

1.Geetha
2.Dhasarathan
3.Amutha
4.Tamilarasan
5.Eswaran
6.P.Gopi
7.Silambarasan
8.Doss
9.Karpagam

... Petitioners

Vs.

1.The State Rep. by
Sub-Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.

2.D.Nesakumar

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to quash the charge sheet filed against the petitioners in C.C.No.223 of 2023 on the file of learned Judicial Magistrate – I, at Thiruvallur for offences under Sections 494 and 109 of I.P.C. and quash the same.



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For Petitioner : Mr.T.Karthikeyan
For Respondents : A.Gopinath for R1
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed challenging the proceedings initiated by the respondents against the petitioners under Sections 494 and 109 of I.P.C..

2.It is brought to the notice of this Court that totally there are seven witnesses in this case and out of them five witnesses have already been examined and the case is posted for examination of L.W.6 and L.W.7 on 26.03.2024.

3.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. 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.



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4. Accordingly, this criminal original petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.223 of 2023, within a period of two 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, the connected miscellaneous petition is closed.

07.03.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No



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N.ANAND VENKATESH,J.
pri

To

- 1.The Judicial Magistrate – I,
Thiruvallur.
- 2.The Sub-Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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