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Crl.O.P.No.7156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.7156 of 2024

and

Crl.M.P.Nos.5207 & 5209 of 2024

M.Mohammed Ehsanullah

.. Petitioner

Vs.

1.The State Rep. by its
Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.

2.S.Yasmin

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the C.C.No.286 of 2015 pending on the file of the Learned District Munsif Cum Judicial Magistrate, Denkanikottai, Krishnagiri District and quash the same.

For petitioner	:	Mr.B.Gopalakrishnan
For R1	:	Mr.A.Damodaran
		Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed to quash the proceedings in C.C.No.286 of 2015 on the file of the learned District Munsif Cum Judicial Magistrate, Denkanikottai, Krishnagiri District.

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.It is seen from the records that the trial has commenced and almost six witnesses have been examined. This is yet another reason as to why this Court is not inclined to entertain this petition.



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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in **C.C.No.286 of 2015** on the file of learned District Munsif Cum Judicial Magistrate, Denkanikottai, Krishnagiri District, within a period of three (3) 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 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are closed.

25.03.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

krk

To

- 1.The learned District Munsif Cum Judicial Magistrate,
Denkanikottai, Krishnagiri District
- 2.The State Rep. by its
Inspector of Police,
All Women Police Station,
Denkanikottai, Krishnagiri District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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