



Criminal Original Petition No.5440 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5440 of 2024

and

Crl.M.P.Nos.3973 & 3974 of 2024

- 1.N.Raja
- 2.Narasimman
- 3.Sathish Kumar
- 4.Thulasidass
- 5.Chandiran
- 6.Posanikai @ Balasubramani
- 7.M.Subramani
- 8.Thopai Raja @ Raja
- 9.J.Babu
- 10.A.Ishkaran @ Karuppan
11. K.Shanmugam @ Telephone Shanmugam
12. V.Renganathan @ Yakumarsuthakar
- 13.K.Anandhan @ Anandakumar
- 14.M.Chinnasami
15. P.Subramani @ Pulichakeerai Subramani
- 16.S.Rengarasu
- 17.A.Velayutham
- 18.K.Muthusami
- 19.G.Prakash
- 20.S.Periyasamy
- 21.K.Elango
- 22.T.Venkatesan
- 23.S.Lakshmi
24. N.Vellachi @ Velaiyammal
25. JCB Kannan
- 26.Thoppalan@ Vaiyapuri



Criminal Original Petition No.5440 of 2024

27.P.Ramar
28.D.Santhi
29.V.Prabhu
30.N.Thangamani
31.V.Anjalai
32.A.Amudha
33.L.Pounambal
34. Shanthi
35. V.Madheshwaran

... Petitioners

Vs.

1. The State
Rep. By The Deputy Superintendent of Police
Vazhapadi, Salem District.
(Crime No.94/2017)

2. The Inspector of Police
Thalaivasal Police Station
Salem District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records and quash the charge sheet filed against them which is pending before the Mahila Court, Salem in S.C.No.237 of 2022.

For Petitioners : Mr.J.Ravikumar
For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.side) [R1]

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.237 of 2022 on the file of Mahila Court, Salem.



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2. The grounds raised by learned counsel for 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 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 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.

3. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.237 of 2022 as expeditiously as possible.

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



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Criminal Original Petition No.5440 of 2024

N.ANAND VENKATESH, J

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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, connected miscellaneous petitions are closed.

05.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Mahila Court, Salem.

2.The Deputy Superintendent of Police,
Vazhapadi, Salem District.
(Crime No.94/2017)

3.The Inspector of Police,
Thalaivasal Police Station,
Salem District.

4. The Public Prosecutor,
Madras High Court, Chennai

Criminal Original Petition No.5440 of 2024