



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5568 of 2024
and Crl.MP.Nos.4067 & 4068 of 2024

1.Ramesh
2.Muthusamy

...Petitioners/Accused Nos.1 & 2

.Vs.

State rep.by
The Inspector of Police
Gudiyatham Town Police Station
Vellore District.

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pending trial on the file of the learned Judicial Magistrate, Gudiyatham, Vellore District in STC No.427 of 2024 and quash the criminal proceedings.

For Petitioners : Mr.R.Kannadasan

For respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to quash the the proceedings in STC No.427 of 2024, pending on the file of Judicial Magistrate, Gudiyatham, Vellore District.

2. The grounds raised by the counsel for the petitioners are all factual in

<https://www.mhc.tn.gov.in/judis> 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 counsel for the petitioners requested this Court to dispense with the presence of the 2nd petitioner (A2). Taking into consideration, the facts and circumstances of the case, the presence of the 2nd petitioner (A2) is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The 2nd petitioner (A2) shall be present before the Court below at the time of initial questioning under Section 251 of Cr.P.C., and subsequent questioning under Section 313 of Cr.P.C., as and when required and at the time of passing of the judgment.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.427 of 2024, as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

08.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
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3



To

- 1.The Inspector of Police
Gudiyatham Town Police Station
Vellore District.
2. Judicial Magistrate, Gudiyatham
Vellore District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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4

N.ANAND VENKATESH.J.,

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