



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.7352 of 2024
and CRL.M.P Nos.5331 & 5332 of 2024

Anthony Raj

...Petitioner

Vs.

1.State By: The Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District.
Crime No.140 of 2023.

2.Madhumitha

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.78 of 2023 on the file of the Judicial Magistrate, Sankarapuram, Kallakurichi and quash the Charge Sheet pending against the petitioner.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.A.Gopinath
Government Advocate for R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 294(b), 506(ii) and 326 of IPC.



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. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.78 of 2023 on the file of Judicial Magistrate, Sankarapuram, Kallakurichi, within a period of six 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.

26.03.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

To

- 1.The Judicial Magistrate, Sankarapuram, Kallakurichi.
2. The Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District
- 3.The Public Prosecutor,
Court, Madras.



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N.ANAND VENKATESH, J

SSR

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