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CrI.O.P.No.6659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6659 of 2024

and

CrI.M.P.Nos.4889 & 4890 of 2024

1.Paulraj
S/o.Magalingam

2.Saranya
W/o.Thangapandi

... Petitioners

Vs

1.The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District.

2.Sudha
W/o.Selvaraj

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in relating to the entire proceedings in C.C.No.330 of 2023 in Crime No.41 of 2021 pending on the file of Judicial Magistrate Court I, Villupuram, Villupuram District and quash the same against the petitioners.

For Petitioners : Mr.E.Udayachander

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1]

ORDER



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This petition has been filed seeking to quash the proceedings in C.C.No.330 of 2023 on the file of Judicial Magistrate Court I, Villupuram, Villupuram District.

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. Learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross



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examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of framing of charges, at the time of questioning under Section 313 Cr.P.C, at the time of passing of the final judgment and as and when required by the Court below. The petitioners shall also execute a bond u/s.88 Cr.P.C. before the Court below.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.330 of 2023 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 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***

N.ANAND VENKATESH, J



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gm

VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently,
connected miscellaneous petitions are closed.

20.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

- 1.The Judicial Magistrate Court I,
Villupuram, Villupuram District.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

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