



Crl.O.P.No.7167 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.7167 of 2024
and
Crl.M.P.Nos.5217 & 5219 of 2024

Yogeswaran

.. Petitioner

Vs.

1.State Represented by its
Inspector of Police,
Chayaar Circle,
District Crime Branch,
Thiruvannamalai District.
(Crime No.3 of 2021)

2.Kamalakannan

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to C.C.No.440 of 2023 on the file of the Judicial Magistrate Court No.I at Thiruvannamalai, Thiruvannamalai District and quash the same.

For petitioner : Mr.S.Arivazhagan

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.440 of 2023 on the file of the Judicial Magistrate Court No.I, Thiruvannamalai 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.Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in **C.C.No.440**



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of 2023 on the file of Judicial Magistrate Court No.I, Thiruvannamalai District, as expeditiously as possible 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

To

1.The Judicial Magistrate Court No.I,
Thiruvannamalai District



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N.ANAND VENKATESH, J.

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2.State Represented by its
Inspector of Police,
Chayaar Circle,
District Crime Branch,
Thiruvannamalai District.

3.The Public Prosecutor,
Madras High Court, Chennai.

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