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CrI.OP.No.7257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.7257 of 2024

and

CrI.M.P.Nos.5264 & 5265 of 2024

Mrs.Meera Arun,
Director,
M/s.Vaasan Medical Centre India Pvt. Ltd.,
No.15-A, Main Road,
Thillai Nagar, Trichy – 620 018.

... Petitioner

Vs.

M/s.RSK Housing (India) Pvt Limited,
Rep. by its Director and Power Agent
Mr.Ramesh Kumar C Soningara
S/o.Champalalji Soningara
Old No.13A, New No.45,
Ground Floor, Ormes Road,
First Cross, Kilpauk,
Chennai - 600 010.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.1226 of 2019 on the file of the Fast Track IV, Metropolitan Magistrate, George Town, Chennai and quash the proceedings as against the petitioner.



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For Petitioner : Mr.M.Mathan Raj

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.1226 of 2019 on the file of the Fast Track IV, Metropolitan Magistrate, George Town, Chennai.

2. The grounds raised by learned counsel for 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 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 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. It is brought to the notice of this Court that trial has commenced



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in this case and the case is now at the stage of questioning under Section 313 Cr.P.C. This is yet another reason as to why this Court does not want to entertain this petition.

4. Learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration the facts and circumstances of the case, the presence of the petitioner 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 petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1226 of 2019 within a period of three (3) months from the date of receipt of a copy of this order.

N.ANAND VENKATESH, J.



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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.

27.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

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