



WEB COPY



Crl.O.P.No.17966 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17966 of 2023
and Crl.M.P.Nos.11874 & 11877 of 2024

1. M/s.Orange Aqua Poly Products Pvt. Ltd.,
Rep.by its Authorized Signatory,
Mr.Ananthan Krishniya Naidu,
No.37/9, Ground Floor,
Suresh Nagar Main Road,
Valasaravakkam, Chennai – 600 087.

2. Mr.Ananthan Krishniya Naidu,
Director of M/s.Orange Aqua Poly Products Pvt. Ltd.,
No.37/9, Ground Floor,
Suresh Nagar Main Road,
Valasaravakkam,
Chennai – 600 087.

...Petitioners

Vs

Mr.E.Velu

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in C.C.No.4042 of 2019 on the file of Fast Track III Metropolitan Magistrate at Saidapet, Chennai -15 and quash the same.

For Petitioners : Mr.P.Kalimuthu



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.4042 of 2019 on the file of Fast Track III Metropolitan Magistrate at Saidapet, Chennai -15.

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. It is brought to the notice of this Court that the trial has already commenced and the case is now at the stage of questioning under Section 313 of Criminal Procedure Code. Hence, after the trial has commenced there is no question of entertaining the quash petition.



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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.4042 of 2019 as expeditiously as possible.

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

05.03.2024

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

To

The Fast Track Court III,
Metropolitan Magistrate,
Saidapet, Chennai – 15.



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N.ANAND VENKATESH, J

mp

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