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CrI.O.P.No.2270 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 20.02.2024**

**CORAM**

**THE HONOURABLE MR JUSTICE N.ANAND VENKATESH**

**CrI.O.P.No.2270 of 2024**  
**and**  
**CRL.MP.Nos.1648 & 1650 of 2024**

A.Kishore Jahan

.. Petitioner

Vs.

1. The State Rep by  
The Inspector of Police,  
CCB, Team - XV  
Chennai.

2. K.Ramasamy

.. Respondents

**PRAYER** : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceeding in C.C.No.1367 of 2013 on the file of Judicial Magistrate, Alandur in respect of the petitioner.

For Petitioner

: Mr.K.V.Muthu Visakan



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For Respondent No.1 : Mr.A.Gopinath  
Government Advocate(Crl.Side)

### **ORDER**

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Section 420, 465, 467, 468, 471 r/w.20(b) of IPC.

2. The main ground that has been urged by the learned counsel for the petitioner is that the case has been pending for more than 11 years and there has been absolutely no progress in this case. The learned counsel for the petitioner submitted that the sale deed that was executed in favour of the petitioner (A8) in the year 2004 was subsequently canceled in the year 2008 through document dated 01.12.2008.

3. This Court called for a report from the learned Judicial Magistrate I, Alandur and on going through the report, it is seen that at present only A1, A7 and A8 have surrendered before the Court. The non-bailable warrant is pending as against A2 to A4 and A9.

4. The Court below shall ensure that A2 to A4 and A9 are secured. If ultimately, securing, these accused persons is going to take



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more time, the case shall be split up as against A2 to A4 and A9 and the present case can be proceeded further as against A1, A7 and A8.

5. 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 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.

6. The 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



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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 judgement.

7. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in CC No.1367 of 2013, within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are also closed. It is left open to the petitioner to file an application under Section 205 of cr.PC before the Court below. The same shall be considered and the Court below can pass appropriate orders permitting the petitioner to be represented through a counsel and the petitioner shall be present as and when required by the Trial Court. A bond under Section 88 of CrI.PC shall also be taken.

Index : Yes/No  
Internet : Yes/No  
rka

**20.02.2024**



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To

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1. The Judicial Magistrate, Alandur.
2. The Inspector of Police,  
CCB, Team - XV  
Chennai.
3. The Public Prosecutor,  
High Court, Madras.

**N.ANAND VENKATESH, J.**



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