



*Crl.O.P.No.24683 of 2023*

In the High Court of Judicature at Madras

Dated : 11.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.24683 of 2023  
& Crl.M.P.Nos.16164 & 16165 of 2023

Mohammed Arshad

...Petitioner

Vs.

1.State rep.by  
The Inspector of Police,  
District Crime Branch,  
Villupuram.

2.Rajendran

...Respondents

PETITION under Section 482 of the Criminal Procedure Code  
praying to call for the entire records in C.C.No.11 of 2023 on the file of  
the learned Judicial Magistrate No.1, Tindivanam and quash the same.

For Petitioner : Mr.T.Ananathasekar  
For R1 : Mr.A.Gopinath, GA (Crl.Side)

### ORDER

This is a petition filed by the petitioner challenging the  
proceedings in C.C.No.11 of 2023 on the file of the learned Judicial  
Magistrate No.1, Tindivanam, initiated by the first respondent against



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the petitioner under Sections 406, 420 and 506(i) of the Indian Penal Code.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The grounds raised by the counsel for the petitioner are all factual in nature and they require appreciation of evidence. This Court cannot decide the same in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code. The facts of this case and grounds raised in this quash petition do not fall within the parameters laid down by the Apex Court in the case of ***State of Haryana Vs. Bhajan Lal [reported in (1992) Supp. (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.

4. Further, when the matter is taken up for hearing today, it is brought to the notice of this Court that the charges have already been



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framed and that now, the case is at the stage of examination of P.W.2.

This is yet another reason as to why this Court is not inclined to interfere with the proceedings before the Court below.

5. Accordingly, the above Criminal Original Petition is dismissed with a direction to the learned Judicial Magistrate No.1, Tindivanam to complete the proceedings in C.C. No.11 of 2023 within a period of six months 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 the Hon'ble Supreme Court in the case of **Vinod Kumar Vs State of Punjab [reported in 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 the case of **State of Uttar Pradesh Vs. Shambhu Nath Singh [reported in JT 2001 (4) SC 3191]**. Consequently, the connected miscellaneous petitions are closed.

11.3.2024



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N.ANAND VENKATESH,J

RS

To

1.The Judicial Magistrate No.1,  
Tindivanam.

2.The Inspector of Police,  
District Crime Branch,  
Villupuram.

3. The Public Prosecutor,  
High Court, Madras

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