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CrI.O.P.No.21888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.21888 of 2023

M.Udayakumar

... Petitioner

Vs.

M.Subramaniam

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records of the complaint dated 06.04.2023 in C.C.No.1909 of 2023 and the summons dated 06.07.2023 for the alleged offences punishable under Section 323 and 506(ii) of the Indian Penal Code, Quash the same.

For Petitioner

: Mr.M.L.Ramesh

For Respondent

: Mr.M.Subramaniam
Party-in-Person

ORDER

This Criminal Original Petition has been filed for a direction to the learned IX Metropolitan Magistrate, Saidapet, Chennai, to quash the complaint in C.C.No.1909 of 2023.

2. The grounds raised by the counsel for the 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



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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 petitioners 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.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners 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.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.1909 of 2023, within a period of six months from the date of receipt of copy of this order.

11.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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To

1. IX Metropolitan Magistrate,
Saidapet, Chennai,

2. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH.,J

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