



Criminal Original Petition No.414 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.414 of 2023

1.Syed Asamadulla
S/o.Syed Abdul Rahaman

2.Ismail Shareef
S/o.Himaun Shareef

... Petitioners

Vs.

1. The State represented by
The Inspector of Police,
W-16, All Women Police Station
Puliyanthope, Chennai - 12

2.Syed Ashmath
S/o.Sayed Magar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records from the trial Court in S.C.No.27 of 2022 pending before the Special Mahila POCSO Sessions Judge at Chennai and quash the charge sheet.

For Petitioners : Mr.T.Ramesh Kumar
for Mr.K.V.Ramesh

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER



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This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.27 of 2022 pending before the Special Mahila POCSO Sessions Judge, Chennai.

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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.27

of 2022 within a period of three (3) months from the date of receipt of a



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copy of this order.

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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 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)***.

20.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
W-16, All Women Police Station
Puliyanthope, Chennai - 12

2. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



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