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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.26604 of 2023

and

Crl.MP.Nos.18529 & 18530 of 2023

1.Balamurugan

2.G.Tamil Selvan

3.Vijay

4.Jayapaul

...Petitioners/Accused (1-4)

.Vs.

State rep.by
The Inspector of Police
D-1 Triplicane Police Station.

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.5451 of 2023 on the file of II Metropolitan Magistrate, Egmore and quash the same.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the proceedings in C.C.No.5451 of 2023,
pending on the file of II Metropolitan Magistrate, Egmore.



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 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 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 Government Advocate (Crl.Side) brought to the notice of this Court that already 9 witnesses have been examined in this case. This is yet another ground of which this Court is not inclined to exercise its jurisdiction under Section 482 of Cr.PC., after the commencement of trial and at the fag end of the trial.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.5451 of 2023, within a period of **three months** from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

13.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
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To

- 1.The Inspector of Police
D-1 Triplicane Police Station.
- 2.II Metropolitan Magistrate, Egmore.
- 3.The Public Prosecutor
High Court of Madras.



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N.ANAND VENKATESH.,J

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