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CrI.O.P.No.3096 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3096 of 2024
and
CrI.M.P.Nos.2265 & 2266 of 2024

1.M/s.Sree Lakshmi Control
represented by its Proprietor
Mr.S.Pavalavanan S/o.Sundaram
No.79/2A, Thailam Thoppu Road,
Kovur, Chennai - 128.

2.S.Pavalavanan
S/o.Sundaram

...Petitioners

Vs

M/s.Kepal EPC Infra
represented by its Proprietor
Mr.C.Dharmalingam
No.11/4, Sivakamipuram 2nd Street,
Thiruvanmiyur, Chennai - 41.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to proceedings in STC No.9713 of 2023 on the file of Fast Track Court II, Magisterial Level, Allikulam, Chennai and quash the same.

For Petitioners : Mr.V.Gopinath



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ORDER

This petition has been filed seeking to quash the proceedings in STC No.9713 of 2023 on the file of Fast Track Court II, Magisterial Level, Allikulam, 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 STC No.9713 of 2023 as expeditiously as possible.



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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)***. Consequently, connected miscellaneous petitions are closed.

14.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

The Fast Track Court II,
Magisterial Level,
Allikulam, Chennai.



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N.ANAND VENKATESH, J

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