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CrI.O.P.No.378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.378 of 2024

and

CrI.M.P.No.241 of 2024

Prabakaran

S/o.Dhamotharan

... Petitioner

Vs

1.State represented by

The Inspector of Police (L&O),
V6, Kolathur Police Station,
Chennai.

2.Suriyakala

W/o.Ramadayalan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and police diary in C.C.No.6008 of 2023 on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.P.M.Bakthavatsalam

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

This petition has been filed challenging the proceedings initiated by the first respondent against the petitioner under Sections 294(b), 323, 506(i) and 120-B IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The grounds raised by learned counsel for petitioner 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 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.



3. Learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of answering the charges, at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.6008 of 2023 within a period of six (6) 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 Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [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



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N.ANAND VENKATESH, J

gm

Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petition is closed.

12.01.2024

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

To

- 1.The XIII Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police (L&O),
V6, Kolathur Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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