



Crl.O.P.No.29289 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29289 of 2023

And

Crl.M.P.No.20297 of 2023

1.Mannar
2.N.Ramakrishnan
3.Kuppammal

... Petitioners

Vs.

1.State represented by
Inspector of Police
DCP, Crime Branch,
Kancheepuram.

2.P.Madhurai
3.R.Loganathan
4.P.N.Elavarasu

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash the same in respect of the petitioners in C.C.No.200 of 2009 on the file of Judicial Magistrate Court – II, Chengalpattu.

For Petitioners : Mr.M.Sivaraman
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed seeking to quash the proceedings in C.C.No.200 of 2009 on the file of Judicial Magistrate Court – II, Chengalpattu.

2. When the matter came up for hearing on 03.01.2024, this Court passed the following order:

"Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for first respondent.

2. Notice to second respondent returnable by 31.01.2024. Private notice is also permitted.

3. It is seen from records that the matter has already been settled between the parties in the civil proceedings in A.S.No.9 of 2011 and based on this settlement, the appeal was closed by the Sub-Court, Maduranthagam, on 20.02.2012.

4. Learned counsel for petitioner submitted that pursuant to the settlement, the property was also sold in favour of third parties.

5. In view of the same, there shall be an order of interim stay pending disposal of the present petition.



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*Post this case under the caption 'for_
reporting compromise' on 31.01.2024 at 02.15
p.m."*

3. When the matter came up for hearing today, the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) and the learned counsel for the second respondent submitted that there is no compromise in this case and that the case has been pending from the year 2009 onwards. It is also brought to the notice of this Court that already a quash petition was filed in Crl.O.P.No.20794 of 2016 by A7 and A8 and this petition was dismissed by order dated 23.11.2021 and this Court directed the case itself to be disposed of within a period of four months.

4. The grounds raised by the counsel for the 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 the quash petition does not fall within the parameters laid down by the Apex Court in Bhajanlal case reported in (1992) Suppl (1) SCC 335. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in

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accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

5. Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.200 of 2009, within a period of three months from the date of receipt of 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 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, the connected miscellaneous petition is closed.

6. The compliance report is to be filed before this Court by the Court below.

15.02.2024

pri
Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

- 1.The Judicial Magistrate Court – II,
Chengalpattu.
- 2.The Inspector of Police
AWPS Krishnagiri
Krishnagiri District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
pri

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