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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.29 of 2024
and CrI.M.P Nos.67 & 68 of 2024

Mathivanan

...Petitioner/Accused-4

Vs.

1. The State Rep. By
Inspector of Police,
District Crime Branch,
Coimbatore.

..1st respondent/Complainant

2. B.B.Ranjani ..2nd respondent /Defacto Complainant
Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the impunged proceedings in C.C.No.651 of 2023 pending on the file of the learned Judicial Magistrate-VI, Coimbatore, for an offences under Sections 420 & 34 of IPC as against the petitioner.

For Petitioner

: Mr.R.Shanmugham

For R1

: Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 420 & 34 of IPC.

2. 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 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. The 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 initial questioning, at the time of answering the charges, at the time of questioning under Section 313 (1)(b) 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 CC No.651 of 2023, as expeditiously as possible. Consequently, connected miscellaneous petitions are also closed.

04.01.2024

Index: Yes/No

Internet: Yes/No

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N.ANAND VENKATESH.J.,



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To

1. Learned Judicial Magistrate – VI,
Coimbatore
2. The Inspector of Police,
District Crime Branch,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

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