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Criminal Original Petition No.29286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.29286 of 2023

and

Crl.M.P.Nos.20293 & 20294 of 2023

1.Thangamani
S/o.Kanthasamy

2.Karthikeyan
S/o.Thangamani

3.Tamilnilavan
S/o.Thangamani

...Petitioners

Vs

State represented by
1.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.460/2019

2.Balasubramaniyan
S/o.Ganesan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to C.C.No.138 of 2023 on the file of Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District and quash the same.



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For Petitioners : Mr.R.Karthick Sevugaperumal

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

ORDER

This petition has been filed challenging the proceedings initiated by the second respondent against the petitioners under Sections 294(b), 323, 324 and 506(ii) IPC.

2. In the instant case, there is a case in counter in Crime Nos.460 and 461 of 2019 and both ended in filing of final reports and the same have been taken cognizance in C.C.Nos.138 of 2022 and 11 of 2023 on the file of Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District and pending before the same Court. In view of the same, there is no scope for interfering with the final report in one of the proceedings. The Court below shall proceed further with the case in line with the judgment of the Apex Court in *Nathilal vs. State of U.P.* [1990 SCC (Crl.) 638] as expeditiously as possible.



3. 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.

Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.138 of 2023 on the file of Judicial Magistrate, Thiruthuraipoondi, Thiruvavarur District, as expeditiously as possible. Consequently, connected miscellaneous petitions are also closed.

03.01.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J
gm

To

- 1.The Judicial Magistrate,
Thiruthuraipoondi,
Thiruvarur District.
- 2.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.460/2019
- 3.The Public Prosecutor,
High Court, Madras.

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