



Crl.O.P.(MD)No.5839 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.5839 of 2023

and

Crl.M.P.(MD) No.5089 of 2023

Backiyalakshmi

... Petitioner

Vs.

1.The Inspector of Police,
Bodinayakkanur Taluk Police Station,
Theni District. (Crime No.638/2019).

2. Ramakrishnan

.... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in STC No.1288 of 2022, pending on the file of the Learned Judicial Magistrate, Bodinayakkanur and quash the same.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.A.Albert James
Government Advocate (Crl Side)
for R1
Mr.R.Manoharan for R2



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ORDER

This petition has been filed seeking to quash the proceedings in S.T.C.No.1288 of 2022 pending on the file of the learned Judicial Magistrate, Bodinayakkanur.

2.Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the first respondent and the learned counsel appearing for the second respondent.

3.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. 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.



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4. There is a case and counter-case involved in Crime Nos. 637 and 638 of 2019. Insofar as Crime No.637 of 2019, the same ended in C.C.No.359 of 2022 pending before the learned Judicial Magistrate, Bodinayakkanur. Insofar as Crime No.638 of 2019 is concerned, the same ended in S.T.C.No.1288 of 2022. In view of the same, there is no question of quashing one of the case and both the cases will have to travel together in line with the judgment of the Full Bench in ***T.Balaji and another v. The State***, reported in ***2024-2-L.W.(Crl.)175***.

5. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.359 of 2022 and S.T.C.No.1288 of 2022 in line with the judgment of the Full Bench within a period of six 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 v. 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 Hon'ble Supreme Court in ***STATE***



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OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4)

SC 3191). Consequently, connected miscellaneous petition is closed.

18.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

- 1.The learned Judicial Magistrate, Bodinayakkanur.
- 2.The Inspector of Police,
AWPS Dindigul Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

PKN

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