



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL OP(MD).No.13316 of 2022

and

CRL MP(MD). No.8492 of 2022

1.Ramachandran

2.Rajeswari

3.Amarnath

...Petitioners / Accused 1 to 3

Vs.

1. The State represented by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Crime No.72 of 2021)

..1st respondent / Complainant

2. Ashokkumar

..2nd respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining in C.C.No.30 of 2022 on the file of the learned Judicial Magistrate, Periyakulam and quash the same.



2

For Petitioner : Mr.S.Atham Ali
For R1 : Mr.S.Ravi
Additional Public Prosecutor
For R2 : Mr.R.Murugappan

ORDER

This petition has been filed challenging the proceedings in C.C.No.30 of 2022 on the file of the learned Judicial Magistrate, Periyakulam.

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. 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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.30



WEB COPY

of 2022, 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 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 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 petitions are also closed.

19.12.2024

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
pal

To

1. The Judicial Magistrate,
Periyakulam.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



4

N.ANAND VENKATESH.J.,

pal

CRL OP(MD).No.13316 of 2022
and
CRL MP(MD). No.8492 of 2022

19.12.2024