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CRL OP No. 20373 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 20373 of 2025

1. Vandana Parvez
No.9M, SIS Meridian, Velachery
Bypass Road, Chennai-600 042.

Petitioner(s)

Vs

1. Tamil Nadu Crime Branch,
The Investigating Officer, No.132
Commissioner Office Building, EVK
Sampath Road, Vepery, Chennai-600
007.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the impugned order i.e. order in Crl.M.P.No.68729/2024 dated 09.04.2025 in CNR No.TNCHOF-095689-2024-CC No.2362/2024 on the file of Metropolitan Magistrate (CCB-CBCID), Egmore, Chennai and pass any other orders that may be necessary.



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CRL OP No. 20373 of 2018



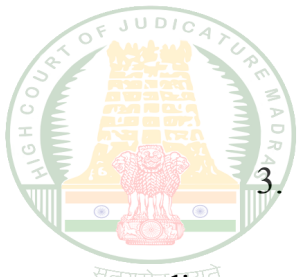
For Petitioner : Ms. Vandana Parvez – Party – in Person

For Respondent(s): Mr.K.M.D.Muhilan,
Additional Public Prosecutor

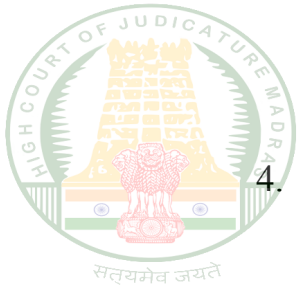
ORDER

Challenging the Order of the learned Metropolitan Magistrate dismissing the petition filed by the petitioner under section 87 read with 104 of Cr.P.C. to issue warrant against the absentee accused and direct them to physically appear in person before the trial Court and also submit their passports before the Court, the present Criminal Original Petition has been filed.

2. It is the contention of the petitioner that some of the accused had filed petitions under section 317 Cr.P.C. and the same have been allowed by the trial Court. The main grievance of the petitioner is that the accused are not regularly appearing before the trial Court and hence, they should be directed to appear in person on all hearing dates.



3. It is relevant to note that it is the discretion of the trial Court to dispense with the personal appearance of the accused considering the facts and circumstances of each case. The records of the trial Court clearly indicate that on one occasion some of the accused had filed petitions under section 317 which were allowed by the trial Court. Now for the appearance of the accused A2, A4, 6 to 8, the matter has been adjourned to 08.10.2025. This Court is of the view that merely because some of the accused have not appeared and got exemption from the trial Court, as a matter of right, the defacto complainant cannot seek a direction to insist personal appearance of the accused on all occasions. It is for the trial Court, when ever the personal appearance is required, the trial Court can direct their personal appearance before the Court and the same cannot be interfered by this Court. Let the trial Court expedite trial and dispose of the case on merits. Further, the Enforcement Director shall thoroughly investigate the matter and file private complaint after completion of investigation.



4. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. Tamil Nadu Crime Branch,
The Investigating Officer, No.132
Commissioner Office Building, EVK
Sampath Road, Vepery, Chennai-600
007.

2. The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR J.

vrc

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