



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.20383 of 2021

and

CrI.M.P. (MD)Nos.11586 & 11587 of 2021

Sharmila Banu

... Petitioner / Accused

Vs

Karuppasamy

... Respondent / Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the private complaint in C.C.No.32 of 2021 on the file of the Judicial Magistrate, Aruppukkottai and quash the same as illegal.

For Petitioners : Mr.Mr.J.Sulthan Basha
for M/s.Ajmal Associates

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.32 of 2021 on the file of the Judicial Magistrate, Aruppukkottai.

2. The petitioner is figuring as an accused. The case is for the offence under Section 138 of the Negotiable Instruments Act. The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds.

3. I am however unable to consider the same because of their factual nature. Contentious facts cannot be gone into in exercise of jurisdiction under Section 482 of Cr.P.C. Therefore, this Criminal Original Petition is dismissed. All the contentions of the petitioner are left open. The petitioner can raise them before the trial court and the trial court shall consider the same on merits and in accordance with law.

4. The petitioner is aged about 45 years. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of



pronouncement of Judgment. On all other occasions, the petitioner can be represented through her counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

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/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Judicial Magistrate, Aruppukkottai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-40026[F] dated 22/12/2021)

Cr1.O.P (MD) No.20383 of 2021
21.12.2021

PS (CO)

KB(01.02.2022) 2P 3C