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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.1685 of 2019
and
Crl.M.P.No.1059 of 2019

K.Sivaranjani

... Petitioner

Vs.

The State of Tamil Nadu
Represented by
Drugs Inspector
Chengalpattu-II Range, Kanchipuram Zone
Chennai 600 006.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.67 of 2018 on the file of the Chief Judicial Magistrate Court, Chengalpattu, Kancheepuram and quash the same.

For Petitioner : Mr.Jayakumar
for Mr.R.Arunkumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition has been filed to call for the records in C.C.No.67 of 2018 on the file of the Chief Judicial Magistrate Court, Chengalpattu, Kancheepuram and quash the same.

2. Today, when the case came up for hearing, the learned Government Advocate (Crl.Side) submitted that for the show cause notice issued by the Drugs Inspector, a reply was given by the Doctor Mrs.K.Sivaranjani, which is available in Page No.27 of the typed set of papers furnished by the learned counsel for the Petitioner. He further submitted that the Petitioner herself has admitted the ingredients of the offence in her reply. Therefore, he vehemently objects to quash the complaint.

3. The learned counsel for the Petitioner invited attention of this Court to Page Nos.8 and 9 of the typed set of papers, wherein, the learned Chief Judicial Magistrate Court,



Chengalpattu, Kancheepuram has returned the complaint for not furnishing the name of the father of the accused and age of the accused. Therefore, he submitted that the complaint itself is not maintainable.

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4. It is seen that the learned Government Advocate (Crl.Side) has stated that the Petitioner herself has admitted the offence in writing and the same was disputed by the Petitioner. The said submission of the learned counsel for the Petitioner is to be agitated by way of defense in the trial and not by exercising the discretionary power under Section 482 of Cr.P.C. In the light of the above, this petition is dismissed as not maintainable.

5. The learned Chief Judicial Magistrate Court, Chengalpattu, is directed to consider the petition if any filed on behalf of the Accused for exempting herself from personal appearance, since the identity is not disputed. The learned Judicial Magistrate Court, Chengalpattu is also directed to proceed with the trial and dispose of the same within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1.The Chief Judicial Magistrate Court,
Chengalpattu, Kancheepuram.

2.The Drugs Inspector
Chengalpattu-II Range, Kanchipuram Zone
Chennai 600 006.

3.The Public Prosecutor
High Court, Madras.

Crl.O.P.No.1685 of 2019
and
Crl.M.P.No.1059 of 2019

SKM(CO)
SB(05/05/2022)