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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.13516 of 2022
and CRLM.P.Nos.7227 and 7228 of 2022

Elangovan ... Petitioner/Accused
Vs.

1.State rep. by
Sub Inspector of Police
V7 - Nolambur Police Station
Chennai 600 037 .. Respondent/ Complainant

2.Rashi ... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.73 of 2017 on the file of the learned Judicial Magistrate, Ambattur and quash the same.

For Petitioner : Mr.A.S.Aswin prasanna

For Respondents: Mr.Leonard Arul Joseph Selvam
Govt. Advocate (Crl.Side) for R1

ORDER

This petition has been filed to quash the final report filed in C.C.No.73 of 2017 on the file of the learned Judicial Magistrate, Ambattur, registered in Crime No.498 of 2016, for the offence u/s.341, 324 IPC and u/s.4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.Heard the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. On a perusal of the final report indicates that there are certain materials available on record, particularly, which prima facie indicates the allegations, this Court is of the opinion that all the factual aspects cannot be appreciated by this Court. It is the domain of the trial Court to appreciate the facts and the probative value of the evidence cannot be gone into at this stage.



3. When this Court finds no merit in this petition, the learned counsel for the petitioner sought indulgence of this Court to dispense with the personal appearance of the petitioner before the trial Court.

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4. In the light of the above said submission made by the learned Counsel for the petitioner, the presence of the petitioner before the Trial Court shall be dispensed with provided that they shall be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313, Cr.P.C and at the time of passing judgment.

5. This Criminal Original Petition stands dismissed accordingly. Consequently, the connected C.M.P.No.7227 of 2022 is closed and C.M.P.No.7228 of 2022 is ordered.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To.

1. The Judicial Magistrate,
Ambattur, Chennai.
2. Sub Inspector of Police
V7 - Nolambur Police Station
Chennai 600 037
3. The Public Prosecutor
High Court of Madras,
Chennai.

CRL.O.P.No.13516 of 2022
& CRLM.P.No.7227&7228/2022

SSN(CO)
SB(29/06/2022)