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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.29578 of 2015

1. S.Virumuthaiah
2. Sivanandi

...Petitioners

Vs.

M.Revathy Priya

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in DVAC No.63 of 2014 on the file of the learned Judicial Magistrate-II Coimbatore and quash the same in respect of the petitioners.

For Petitioner : Mr.Patrick

For M/s.K.Rajasekaran

For Respondent : Mr.Sridharan

ORDER

This petition has been filed seeking to quash the proceedings in DVAC No.63 of 2014 on the file of the learned Judicial Magistrate-II



Coimbatore.

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2. The grounds raised by the counsel for the petitioners 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 petitioners to raise all the grounds before the Court 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. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.



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4. In the result, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in DVAC No.63 of 2014 as expeditiously as possible.

25.01.2023

Index: Yes/No

Internet: Yes/No

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To

1.The Judicial Magistrate-II, Coimbatore.

2. The Public Prosecutor,
High Court, Madras.**M.DHANDAPANI.J.**



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