



WEB COPY



Crl.O.P No.5914 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5914 of 2022
and Crl.M.P.No.3286 of 2022

D.Hemalatha

Petitioner

Vs.

1. State rep. By
The Inspector of Police,
H-5 New Washermenpet Police station,
Chennai 600 081.

2. Karpagam

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.172 of 2022 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mr.J.Hari Krishna for
Mr.P.Prince Premkumar

For 1st Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

For 2nd Respondent : Mr.M.Prem kumar



Crl.O.P No.5914 of 2022

ORDER

This petition has been filed, seeking to quash the proceedings in C.C.No.172 of 2022 pending on the file of the learned XV Metropolitan Magistrate, George Town, Chennai.

2. The grounds raised by the learned counsel for the petitioner 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 petitioner to raise all the grounds before the Court below 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.

4. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and she shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below



Crl.O.P No.5914 of 2022

at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.172 of 2022 within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are also closed.

10.07.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
vum

N. ANAND VENKATESH, J.



Crl.O.P No.5914 of 2022

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vum

- To
1. The Inspector of Police,
H-5 New Washermenpet Police station,
Chennai 600 081.
 2. The XV Metropolitan Magistrate,
George Town, Chennai.
 3. The Public Prosecutor,
High Court of Madras,
Madras.

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