



*Crl.O.P.No.18300 of 2023  
and Crl.M.P.nos.12148 and 12150 of 2023*

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 17.08.2023

CORAM :

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P.No.18300 of 2023  
and Crl.M.P.Nos.12148 and 12150 of 2023

Saraswathi

.. Petitioner

**Versus**

1. The State Rep by  
The Inspector of Police,  
Rasipuram Police Station,  
Namakkal District.

2. Chithra

.. Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for entire records pursuant to the C.C.No.119 of 2015 in Crime No.463 of 2014 on the file of Judicial Magistrate, Rasipuram and quash the same insofar as the petitioner is concerned by allowing the Criminal Original Petition.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr.A.Gopinath,  
Government Advocate (Crl. Side),  
for R1



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### **ORDER**

This petition has been filed seeking for a direction to quash the C.C.No.119 of 2015 on the file of the learned Judicial Magistrate, Rasipuram.

2. The grounds raised by the 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. 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



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petitioner shall be present before the Court below at the time of questioning under Section 240 of Cr.P.C., at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed off with a direction to the Court below to complete the proceedings in C.C.No.119 of 2015 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 her 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 closed.

17.08.2023

Index : yes/no  
Speaking order/Non-speaking order  
Neutral Citation : yes/no



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To

1. The Judicial Magistrate,  
Rasipuram.
2. The Inspector of Police,  
Rasipuram Police Station,  
Namakkal District.
3. The Public Prosecutor,  
High Court of Madras.



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**N.ANAND VENKATESH, J.**  
grs

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