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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18083 of 2023
and Crl.MP.11953 & 11955 of 2023

A.Savitha, 48/F
W/o.Anbalagan

.. Petitioner /Accused No.3

.Vs.

G.L.Govindan
S/o.G.C.Lakshmanaiah

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records on the file of the XVII Metropolitan Magistrate, Saidapet in C.C.No.22 of 2017 and quash the proceedings therein so far as the petitioner is concerned.

For Petitioner : Mr.V.Sairam

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.22 of 2017, pending on the file of the XVII Metropolitan Magistrate, Saidapet.

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 petitioner 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.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C No.22 of 2017, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

17.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

XVII Metropolitan Magistrate,
Saidapet.



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