



WEB COPY



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.948 of 2024
and Crl.M.P No.608 of 2024

Malleswari @ Bhuvana

...Petitioner /Accused-1

.Vs.

1.State rep.by
The Inspector of Police
Anti Vice Squad - Avadi
Avadi City.
Crime No.6/2022

...1st Respondent /Complainant

2.Senthilkumar
Head Constable
Anti Vice Squad-Avadi
Avadi City.

..2nd respondent/de facto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.154 of 2023, on the file of the Judicial Magistrate No.I Court at Poonamallee and quash the same.

For Petitioner : Mr.M.Rajkumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

**ORDER**

This petition has been filed seeking to quash the proceedings in C.C.No.154 of 2023, on the file of the Judicial Magistrate No.I Court, Poonamallee.

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. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the **Apex Court in Bhajan Lal case** reported in **(1992) Suppl (1) SCC 335**. It is left open to the petitioner 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 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 and the Court below is directed to complete the proceedings in C.C.No.154 of 2023, as expeditiously as possible. Consequently, the connected miscellaneous petitions are also closed.

22.01.2024

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

To

- 1.The Inspector of Police
Anti Vice Squad - Avadi
Avadi City.
- 2.Senthilkumar
Head Constable
Anti Vice Squad-Avadi
Avadi City.
- 3.Judicial Magistrate No.I Court
Poonamallee.
- 4.The Public Prosecutor,
High Court of Madras,
Madras.



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N.ANAND VENKATESH.J.,

kp

Crl.OP No.948 of 2024

**22.01.2024
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